



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 27th February, 2015:—

### BILL No.158 OF 2014

*A Bill to make military training compulsory for all able-bodied citizens and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training Act, 2014.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in the case of a Union territory, the Central Government; and

(b) "person" means a citizen of India above the age of fourteen years but less than fifty years.

Compulsory  
military  
training.

**3.** (1) The Central Government shall provide military training to all able-bodied persons for a period of not less than one year.

(2) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1).

(3) Every person who successfully completes training under sub-section (1) shall be awarded a certificate to that effect by the Central Government.

Employment  
to those who  
have  
undergone  
military  
training.

**4.** The appropriate Government shall give preference to persons who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilization of talent:

Provided that all such persons, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the appropriate Government till they are gainfully employed.

Powers to  
make rules.

**5.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Almost all developing countries, even those smaller in size, population and resources than India, are providing compulsory military training to their citizens. Providing compulsory military training to able-bodied citizens does not in any way run counter to the ideal of international peace and harmony, which has been the hall-mark of India's foreign policy since independence. Military training does not necessarily encourage the pugnacity of individual or the belligerence of the nation-States. On the contrary it inculcates qualities of discipline and sacrifice and fosters in each individual the spirit of brotherhood and amity. A well integrated and a coordinated programme of military training would be immensely beneficial to channelise the vast energies of our youth and would lead to their all-round development and enhancement of the welfare of the nation. People can defend and safeguard their houses from robbery and dacoity which are increasing day by day. Many innocent people are murdered in broad day light. With extremist activities on the rise in the country and the Government being not able to provide adequate protection to general public, self-defence becomes a must for every individual.

The Bill, therefore, seeks to provide for compulsory military training to all able-bodied citizens.

NEW DELHI;  
November 5, 2014

BHOLA SINGH

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all able-bodied persons for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides that persons who have undergone military training and remain unemployed shall be given unemployment allowance. The Central Government will have to incur expenditure in respect of the Union territories for carrying out the provisions of the Bill. The Central Government may also have to assist the State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL No.141 OF 2014

*A Bill to provide for the constitution of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and at least one single point light connection to every household in rural areas and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and  
extent.

**1.** (1) This Act may be called the Rural Electrification Act, 2014.

(2) It extends to the whole of India.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “Authority” means the Rural Electrification Authority constituted under section 3;

(b) “electricity” means electric energy generated, transmitted, supplied or traded for any purpose except the transmission of a message; and

(c) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall constitute an Authority to be known as the Rural Electrification Authority having its headquarters at Mumbai in the State of Maharashtra.

Constitution  
of Rural  
Electrification  
Authority.

(2) The Authority shall consist of five members to be appointed by the Central Government of whom at least two members shall be from amongst the farmers to be nominated by the Central Government in such manner as may be prescribed.

(3) The Central Government shall appoint one of the members as the Chairperson of the Authority.

(4) The Chairperson and other members of the Authority shall hold office during the pleasure of the Central Government.

(5) The salary, allowances and other terms and conditions of service of the Chairperson and other members of the Authority shall be such as may be prescribed.

(6) The Authority may appoint a Secretary and such other officers and employees as it considers necessary for the performance of its functions under this Act and on such terms and conditions as may be prescribed.

4. (1) The Authority shall,—

Functions and  
duties of the  
Authority.

(i) develop a sound, adequate and uniform national policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self-employment in villages; and

(c) at least one single point connection of electricity in every dwelling unit of each village in the country.

(ii) establish new power generating stations in such areas as it may consider necessary;

(iii) invite and encourage private sector in establishing power units exclusively for the rural areas in the country;

(iv) carry out surveys and to collect and record data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas;

(v) co-ordinate the activities of the national and State planning agencies in relation to the control and utilisation of power resources for the rural sector; and

(vi) perform such other functions and duties as the Central Government may, from time to time, prescribe or direct.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority may also provide for—

(i) supply of electricity to the farmers at such subsidised rates, as may be prescribed, from time to time; and

(ii) single point light connection and supply of electricity free of cost to the dwelling units of the Scheduled Castes, Scheduled Tribes and other Backward Classes in rural areas.

5. (1) The Authority shall constitute a Fund to be known as the Rural Electricity Development Fund.

Rural  
Electricity  
Development  
Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by the Authority by way of donation, contribution, assistance or otherwise.

(4) All payments by the Authority towards rural electrification expenditure and for its administrative expenditure shall be made from the Fund.

Central  
Government  
to provide  
funds.

**6.** The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the rural electrification works to be undertaken by the Authority.

Provisions to  
be in addition  
to and not in  
derogation of  
any other  
Act.

**7.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
make rules.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness. As a result of power shortage, both the industrial sector and the agricultural sector cannot make progress at the desired levels resulting ultimately in backwardness. Our Power stations, whether thermal, hydel or atomic, are generating electricity much below their capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity, the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people and by the print and the electronic media if there is a load shedding for a few hours in the cities but nobody bothers when the electricity is cut off in the rural areas for months together even if the crops of the hapless farmers are dying in the absence of water as farmers cannot run the tubewell without electricity. Since more than seventy-five per cent. of our population is engaged in agriculture and agriculture-based small and cottage industries, it is our duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least one point electric connection to every household including every hut in the country to remove the darkness prevailing there. To achieve these objectives, it is proposed to constitute a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least single point light connection to every household in the villages.

Hence this Bill.

NEW DELHI;  
November 5, 2014.

BHOLA SINGH

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Rural Electrification Authority. Clause 4 provides, *inter alia*, that Authority shall establish power stations and provide at least one power connection to every rural household. Clause 5 provides for constitution of a Rural Electricity Development Fund. Clause 6 provides that Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring annual expenditure of rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power, therefore, is of a normal character.



## BILL NO.150 OF 2014

*A Bill to provide for voting rights and setting up of a National Commission for Non-Resident Indians for the purpose of providing assistance to them in the countries where they reside and work and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Non-Resident Indians (Voting Rights and Welfare) Act, 2014. Short title and extent.

(2) It extends to the whole of India.

**2.** (1) In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Commission" means the National Commission for Non-Resident Indians set up under section 5;

(iii) "Committee" means the Non-Resident Indian Coordination Committee set up under section 9;

(iv) "Corporation" means the Non-Resident Indians Rehabilitation Corporation set up under section 4;

(v) "Fund" means the Non-Resident Indians Assistance Fund set up under section 8;

(vi) "non-resident Indian" means any person who is a citizen of India and who stays abroad for employment or for carrying on any business or vocation outside India; and

(vii) "prescribed" means prescribed by the rules made under this Act.

Right to vote  
for Non-  
Resident  
Indians.

**3.** Notwithstanding anything contained in any other law for the time being in force, every non-resident Indian shall have the right to vote in all elections to the House of the People, legislative assemblies of the States/Union territories and local bodies.

Non-Resident  
Indians  
Rehabilitation  
Corporation.

**4.** (1) The Central Government shall constitute a Non-Resident Indians Rehabilitation Corporation in such manner as may be prescribed.

(2) The Corporation shall have a Fund to which shall be credited all monies received from the non-resident Indians by way of investment in such manner as may be prescribed.

(3) The Fund shall be utilized for projects aimed at rehabilitation of the non-resident Indians including projects relating to housing, health care, education or tourism.

National  
Commission  
for Non-  
Resident  
Indians.

**5.** (1) The Central Government shall, within three months from the commencement of this Act, set up a commission to be known as the National Commission for Non-Resident Indians.

(2) The Commission shall consist of:

(i) an eminent person having special knowledge or practical experience in the field of welfare of Non-Resident Indians : *Chairperson;*

(ii) three Members of Parliament—two from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses : *Members;*

(iii) three Members of Legislative Assemblies of the States from which large number of people work abroad, to be nominated by the Presiding Officers of the respective Assemblies of the States : *Members; and*

(iv) an eminent jurist and an eminent journalist to be nominated by the Central Government : *Members.*

(3) The Chairperson and other members of the Commission shall hold office for a period of three years.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.

(5) The Commission shall have its head office in New Delhi.

(6) The Central Government shall provide such number of officers and staff to the Commission as is required for its efficient functioning.

(7) The salary and allowances payable to and other terms and conditions of service of the officers and staff of the Commission shall be such as may be prescribed.

**6.** The Commission shall perform the following functions, namely:—

Functions of  
the Commis-  
sion.

(i) make recommendations to the Central Government regarding formulation of a welfare policy for the non-resident Indians;

(ii) study the problems being faced by the non-resident Indians and suggest measures to overcome them;

(iii) take steps for the promotion of social, economic and cultural interests of the non-resident Indians;

(iv) work out a method in coordination with other authorities for enabling non-resident Indians to exercise their right to vote during elections to the House of the People, Legislative Assemblies of the States and local bodies;

(v) work in coordination with the Embassies and High Commissions of India to solve the problems of the non-resident Indians in those countries; and

(vi) act as the nodal agency for all issues relating to non-resident Indians.

**7.** The Commission shall submit an annual report on its functioning to the President who shall cause it to be laid in each House of Parliament within one month if Parliament is in session, and if Parliament is not in session, within ten days of the first sitting on commencement of the next session.

Commission to  
submit an annual  
report.

**8. (1)** The Central Government shall set up a Fund to be known as the Non-Resident Indians Assistance Fund.

Non-Resident  
Indians  
Assistance  
Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from non-resident Indians or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for meeting the expenditure incurred in the implementation of measures undertaken for the welfare of non-resident Indians.

**9. (1)** Every Embassy or High Commission of India shall constitute a Non-Resident Indian Coordination Committee to be headed by an officer not below the rank of First Secretary and two other officers having such qualifications as may be prescribed:

Every  
Embassy or  
High Commis-  
sion to  
constitute a  
Non-Resident  
Indian  
Coordination  
Committee.

Provided that at least one of the members of the Coordination Committee shall have knowledge of the mother tongue of the non-resident Indians living in that country.

(2) The Committee shall keep the details of all the non-resident Indians living in that country.

(3) The Committee shall render all assistance to the non-resident Indians in case of any problem including problem relating to their jobs, health care or in completion of all formalities in case of death.

(4) The Committee shall also render legal assistance to the non-resident Indians whenever required.

**10. (1)** The appropriate Government shall designate the Block Development Officer as the Nodal Officer in every Block to maintain a register for the citizens going abroad containing such details as may be prescribed.

Block  
Development  
Officer to  
keep details of  
citizens going  
abroad.

(2) It shall be the duty of every citizen going abroad for residence or work to register himself with the Nodal Officer appointed under sub-section (1).

District  
Collector to  
compile and  
forward the  
details of  
citizens going  
abroad to  
Embassies/High  
Commissions.

**11. (1)** The appropriate Government shall appoint an officer not below the rank of District Collector in every district to compile the details of all the citizens residing within their respective jurisdiction and going abroad for residence or work and forward the same to the respective Embassy or High Commission of India, as the case may be, for information.

(2) It shall be the duty of every Nodal Officer so designated under sub-section (1) of section 10 to forward to the District Collector the details of citizens going abroad for residence or work in such manner as may be prescribed.

Power to make  
rules.

**12. (1)** The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Government and every notification issued under section 13, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

## STATEMENT OF OBJECTS AND REASONS

There are millions of Indians working all over the world in different walks of life. They are the Non-Resident Indians (NRIs) whose contribution to our economy cannot be overlooked.

There are eminent scientists, information technology experts, engineers, doctors, nurses, teachers and large number of workers, both skilled and unskilled, among them. Their problems are varied and many. There is no comprehensive legislation for tackling their problems. This Bill is an attempt in that direction.

They are living in a foreign country and in case of any difficulty, they have to fend for themselves. If they fall ill, there is nobody to take care of them. If, unfortunately, they die, many formalities have to be completed about which their kins have no clue. Moreover, in case of any legal wrangle, they have no idea whom to approach for help. In case of their working conditions, pay, medical care, etc., there are many complaints and there is no mechanism with our foreign missions to take care and attend to their grievances.

On the other hand, it is very unfortunate that there is no mechanism in our country to keep record of citizens going abroad for work. In the absence of any data, it becomes difficult to formulate any policy for their welfare. Besides, the non-resident Indians have also been demanding voting rights for a long time.

In view of the above, it is proposed in the Bill to provide them right to vote and to set up a National Commission for Non-Resident Indians which will have mandate to work for the welfare of non-resident Indians. In addition, a non-resident Indians Assistance Fund is also proposed. It is also proposed to set up a Co-ordination Committee in every Embassy/ High Commission of India with the purpose of looking after the welfare of the Indian citizens living there.

Hence this Bill.

NEW DELHI;  
*November 5, 2014.*

BHOLA SINGH

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Non-Resident Indians Rehabilitation Corporation. Clause 5 provides for setting up a National Commission for Non-Resident Indians. Clause 6 provides that the Commissions shall study the problems being faced by the non-resident Indians and take steps for tackling them. Clause 8 provides for setting up of a Non-Resident Indians Assistance Fund. Clause 9 provides for the constitution of Co-ordination Committee in every Embassy or High Commission for providing assistance to the Indians living in those countries. Clause 11 provides that the District Collector shall forward the details of Indian citizens going abroad for work to Embassies/High Commissions concerned. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore will be involved per annum.

No non-recurring expenditure is likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

## BILL NO.134 OF 2014

*A Bill to provide for the right to work to every eligible citizen and for payment of allowance till such time as appropriate work is provided to every citizen, constitution of Right to Work Fund, creation of Right to Work Insurance Policy and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Work Act, 2014.

Short title and  
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "employment exchange" means an employment exchange set up by the Government of a State or Union territory Administration;

(b) "Fund" means the "Right to Work Fund" constituted under sub-section (1) of section 9;

(c) "Government" means the Central Government;

(d) "notification" means a notification published in the Official Gazette by the Central Government; and

(e) "prescribed" means prescribed by rules made under this Act.

Right to work.

**3.** Subject to the provisions of sections 7 and 12, every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an employment exchange shall have the right to appropriate work to be provided by the Government.

Nature of work to be provided.

**4.** The work to be provided by the Government under section 3 shall be suited to the age and qualification of the citizen concerned.

Grant of allowance.

**5.** Till such time as work is provided to a citizen under section 3, there shall be paid by the Government to such citizen such allowance, not being less than rupees two hundred per week, as may be prescribed.

Removal of name by Employment Exchange.

**6.** If a citizen secures any work or job subsequent to his registration with the employment exchange, either on his own or otherwise, he shall inform the employment exchange immediately and his name shall be removed by the employment exchange with effect from the date of having secured the job or work.

Act not to apply to certain citizens.

**7.** The provisions of this Act shall not apply to any citizen,—

(a) who has an income, from one or more sources, not less than the amount of allowance fixed under section 5;

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union territory.

Reduction of allowance.

**8.** Where a citizen, being unemployed, is registered with an employment exchange, but has an income of his own from any source, the amount of allowance to which he is entitled under section 5 shall be reduced by the amount of his income.

Constitution of 'Right to Work Fund'.

**9.** (1) The Government shall constitute a Fund to be called "Right to Work Fund" for the payment of allowance under this Act.

(2) The Government shall, from time to time, make such grants to the Fund as may be required for the purpose of this Act.

(3) There shall be credited to the Fund,—

(a) all grants made by the Government under sub-section (2);

(b) all voluntary donations made to the Fund;

(c) all contributions in respect of the Right to Work Insurance Policy under section 10;

(d) all sums collected under section 11; and

(e) any interest or dividend or other return on any investment made out of the Fund.

(4) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

Right to Work Insurance Policy.

**10.** The Government shall frame a Right to Work Insurance Policy to cover whole or any part of such grants of allowances as may be payable under this Act.

Contribution to the Fund.

**11.** Every citizen who receives work or allowance under this Act shall contribute to the Fund for a prescribed period immediately after securing any work or job, at such rate, as may be prescribed.



**12.** The Government may, in its endeavour to provide work under this Act, categorise citizens by notification on the basis of their qualification or such other basis, as may be prescribed, and make citizens of such categories entitled to right to work under section 3:

Categorising of citizens entitled to right to work.

Provided that the Government shall provide the right to work to all eligible citizens within ten years from the commencement of this Act.

**13.** As soon as may be, after the close of a financial year, the Government shall cause an annual report on the working and administration of the Fund and the implementation of this Act during that year, to be prepared and laid before each House of Parliament, and every such report shall be in such form and shall contain such matters as may be prescribed.

Annual report by Government.

**14. (1)** The Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the rate of allowance referred to in section 5 and different rates may be prescribed on the basis of qualification and skills;

(b) the necessary details relating to the Right to Work Insurance referred to in section 10;

(c) the rate of contribution to the Fund under section 11;

(d) the basis of categorisation of citizens under section 12;

(e) the form and content of the annual report mentioned in section 13;

(f) the procedure to regulate all payments under this Act; and

(g) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Government and every notification issued under section 12, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

## STATEMENT OF OBJECTS AND REASONS

Indian Constitution guarantees to every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful, assumes the availability of necessary means to a decent livelihood. On the other hand, the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of employment opportunity in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad.

It is time that concerted efforts are made by the State to assure work to citizens. The Bill grants every citizen the legal right to work. Till such time as work is provided to a citizen, he or she shall be entitled to an allowance.

The Bill also provides for the constitution of a 'Right to Work Fund' by the Government. The Fund will receive grants made by the Government, contributions at prescribed rate and for a specified period from citizens who secure work after registration, etc. There is also a provision to promote Right to Work Insurance to raise finances.

The Bill is realistic, in so far as it provides for a gradual introduction of the right to work. To begin with, the Government may categorise citizens on the basis of their qualification or any other basis and make citizens of such categories entitled to the right to work, so, however, that gradually all the citizens secure the right to work within a period of ten years from the commencement of the Act.

Hence this Bill.

NEW DELHI;  
November 5, 2014.

BHOLA SINGH

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to work. Clause 5 seeks to provide allowance to a citizen who has attained the age of eighteen years and who, being unemployed, is registered at an Employment Exchange. Till such time as work is provided to such a citizen, he or she shall be entitled to such allowance not being less than two hundred rupees per week, as may be prescribed. Clause 9 provides for the Constitution of a 'Right to Work Fund' for the grant of allowance under this Act. It is difficult to make an exact estimate of the recurring expenditure that may be involved on this count. Nevertheless, the provisions of the Bill may be expected to involve recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as employment situation improves, and as voluntary donations and contributions from citizens who secure work and contributions from the Right to Work Insurance are received.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

**BILL NO. 7 OF 2015**

*A Bill to provide for the protection, preservation and promotion of various forms of intangible cultural heritage in the country and for matters connected therewith or incidental thereto.*

WHEREAS in 2005 India ratified the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for 'Safeguarding of the Intangible Cultural Heritage' to ensure effective measures for protecting and preserving intangible cultural heritage for its stakeholders *i.e.* the performers, artisans and the local community.

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention to ensure the safeguarding of different forms of intangible cultural heritage of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Intangible Cultural Heritage (Protection, Preservation and Promotion) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,

(a) "appropriate government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "bearers of intangible cultural heritage" means any individual or group that directly or indirectly preserves intangible cultural heritage and contributes to its creation, use, dissemination and transmission;

(c) "culture" means any manifestation or pattern of behaviour and interactions among people, including knowledge, belief, art, morals, custom, language, music and other capabilities acquired by virtue of being a member of society and transmitted through generations;

(d) "intangible cultural heritage" means any act or practice, representation, expression, knowledge, skill—as well as the instrument, object and artefact associated therewith—that communities, groups and, in some cases, individuals recognize as part of their cultural heritage and includes the following:—

(i) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;

(ii) performing arts;

(iii) social practices, rituals and festive events;

(iv) traditional craftsmanship;

but does not include any practice, rituals or ceremony which goes against the basic principles of human life or violates fundamental rights of an individual;

(e) "National Commission" means the National Commission for Intangible Cultural Heritage constituted under section 3;

(f) "performing art" means an art form or skill in which an artiste uses his body or voice to convey artistic expression before an audience and includes art form such as dance, music, theatre, circus and magic;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "regulation" means regulation made by the National Commission for Intangible Cultural Heritage or any State Commission for Intangible Cultural Heritage, as the case may be, under this Act; and

(i) "State Commission" means the State Commission for Intangible Cultural Heritage constituted under section 13.

## CHAPTER II

## THE NATIONAL COMMISSION FOR INTANGIBLE CULTURAL HERITAGE

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Commission for Intangible Cultural Heritage, to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution of National Commission for Intangible Cultural Heritage.

(2) The National Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with the power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the National Commission shall be at New Delhi.

(4) The National Commission may, with the prior approval of the Central Government, establish its offices at any place in India.

4. The National Commission shall consist of—

Composition of the National Commission.

(i) a Chairperson, who,—

(a) is a person of eminence and a nationally or internationally recognized expert in the domain of culture; and

(b) has done outstanding work for the protection, preservation and promotion of intangible cultural heritage; and

(ii) six other members, from amongst the eminent persons of ability, integrity and standing who,—

(a) have knowledge of different cultural practices in India and have extensive experience of working with bearers of intangible cultural heritage in India;

(b) are nationally or internationally recognized experts in the domain of culture; and

(c) are committed to the protection, preservation and promotion of intangible cultural heritage;

to be appointed by the Central Government.

5. (1) The Chairperson and every member of the National Commission shall hold office as such for a term of three years from the date on which he assumes office and shall be eligible for re-appointment:

Terms and Conditions of Service of the Chairperson and Members of the National Commission.

Provided that the Chairperson or a member shall not hold the office after attaining the age of sixty-five years:

Provided further that the Chairperson or a member shall not hold the office for more than two terms.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson or a member may—

(a) relinquish his office, by giving in writing to the Central Government, a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of sub-section (5).

(3) The Chairperson or a member shall not hold any other office during the period of his holding office in the National Commission.

(4) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and the members shall be such as may be prescribed by the Central Government:

Provided that the salary and allowances and the other terms and conditions of service of the Chairperson or a member, as the case may be, shall not be varied to his disadvantage after his appointment.

(5) The Central Government may, by order, remove from office the Chairperson, or a member, if the Chairperson, or, as the case may be, the member,—

(a) becomes physically or mentally incapable or acting as the Chairperson, or, as the case may be, a member;

(b) is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) acquires such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or, as the case may be, a member; or

(d) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.

(6) The Chairperson, or a member, shall not be removed under clause (c) or clause (d) of sub-section (5), unless he is provided reasons in writing and has been given a reasonable opportunity of being heard in the matter.

No act or proceeding of the National Commission to be questioned on the ground of vacancy or defect in the constitution of Commission.

6. No act or proceeding of the National Commission shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Commission or appointment of a person as the Chairperson or a member of the Commission, as the case may be.

National Commission may constitute Committees for efficient discharge of its functions.

7. The National Commission may, for efficient discharge of its functions, constitute Committees, consisting of such number of persons and in such manner, as may be prescribed by the Central Government.

National Commission may call for assistance or advice of any person.

8. (1) The National Commission may associate with itself, in such manner and for such purposes as may be prescribed by the Central Government, any person whose assistance or advice it may desire in carrying out any of the purposes of this Act.

(2) A person associated with National Commission under sub-section (1) for any purpose shall have a right to take part in discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a member for any other purpose.

(3) The person so associated shall be entitled to such allowance for attending the meeting as may be prescribed by the Central Government.

Chairperson to have powers of general superintendence and direction in the conduct of the affairs of the National Commission.

9. The Chairperson of the National Commission shall have powers of general superintendence and direction in the conduct of the affairs of the National Commission and he shall, in addition to presiding over the meetings of the National Commission, exercise and discharge such powers and functions as may be prescribed by the Central Government.

**10.** (1) The National Commission shall meet as and when necessary at such place as its Chairperson may think fit.

Meetings of the National Commission.

(2) The National Commission shall regulate its own procedure.

(3) The National Commission shall have the autonomy to allocate and expend the funds on the functions assigned to it under this Act.

**11.** (1) The National Commission may, with the approval of the Central Government, determine the number, nature and categories of officers and employees required by it in the discharge of its functions.

Officers and staff of the National Commission.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Commission, shall be such as may be specified by regulations by the National Commission with the approval of the Central Government.

### CHAPTER III

#### FUNCTIONS OF THE NATIONAL COMMISSION FOR INTANGIBLE CULTURAL HERITAGE

**12.** (1) The National Commission shall serve as the apex body responsible for protection, preservation and promotion of intangible cultural heritage of India.

Functions of the National Commission.

(2) The National Commission shall perform the following functions, namely:—

(a) make recommendations to the Central Government on short term and long term policies in respect of protection, preservation and promotion of intangible cultural heritage of India;

(b) determine the eligibility criteria to be adopted by the State Commissions for the evaluation of the forms of intangible cultural heritage in their respective States;

(c) compile and revise, on a periodic basis, a comprehensive list of the various forms of intangible cultural heritage of India on the basis of the recommendations of the State Commissions;

(d) identify the forms of intangible cultural heritage which are in need of urgent safeguarding, on the basis of the recommendations of the State Commissions;

(e) collate and maintain a central repository of research and documentation of the various forms of intangible cultural heritage, as compiled by the State Commissions, and ensure that this research and documentation is easily accessible to the general public;

(f) ensure international cooperation and prepare nomination dossiers for matters related to intangible cultural heritage for the United Nations Educational, Scientific and Cultural Organization and other such international organizations for India's submissions to these organizations;

(g) make recommendations on the basis of the inputs received from the State Commissions to the Central Government on the budgetary support required to implement programmes for the protection, preservation and promotion of the forms indentified under clauses (c) and (d);

(h) review and monitor the working of each State Commission;

(i) submit an annual report to the Central Government, in such form and within such time as may be prescribed by the Central Government, giving a true and full account of its activities during the previous year and its comments on the working of each State Commission, and the Central Government shall cause every such report to be laid before each House of Parliament;

(j) assist the State Commissions in undertaking activities for the protection, preservation and promotion of the various forms of intangible cultural heritage in their respective States;

(k) ensure coordination and sharing of best practices among State Commissions;

(l) perform all functions assigned to the State Commissions under section 22 with respect to the Union territories in India;

(m) undertake following measures to promote India's intangible cultural heritage both within and outside India—

(i) disseminating information through media or other publications;

(ii) recognizing leading artists and their contribution to intangible cultural heritage;

(iii) supporting artists and organizations working in the domain of intangible cultural heritage, through scholarships, grants, loans or other such financial support;

(iv) establishing and developing educational and cultural institutions such as research centres, museums, libraries, archives, workshops as well as other infrastructure for the protection, preservation and promotion of intangible cultural heritage;

(v) recommending changes in school curricula for promoting a better understanding of India's intangible cultural heritage among students;

(vi) organizing art festivals, performances or other such screenings;

(n) undertake such other measures as the National Commission may deem appropriate; and

(o) such other functions as may be prescribed by the Central Government.

#### CHAPTER IV

##### STATE COMMISSIONS FOR INTANGIBLE CULTURAL HERITAGE

Constitution  
of the State  
Commissions  
for Intangible  
Cultural  
Heritage.

**13.** (1) Every State Government shall, by notification, constitute a State Commission for Intangible Cultural Heritage to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The State Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The State Commission may, with the prior approval of the State Government, establish its offices at any place in the State.

Composition  
of the State  
Commission.

**14.** Every State Commission shall consist of—

(i) a Chairperson, who,—

(a) is a person of eminence and a nationally or internationally recognized expert in the domain of culture; and

(b) has done outstanding work for the protection, preservation and promotion of intangible cultural heritage; and

(ii) six other members, from amongst the eminent persons of ability, integrity and standing who,—

(a) have knowledge of different cultural practices in the State or in India and have extensive experience of working with bearers of intangible cultural heritage in the State or in India; and



(b) are nationally or internationally recognized experts in the domain of culture; and

(c) are committed to the protection, preservation and promotion of intangible cultural heritage;

to be appointed by the respective State Government.

**15. (1)** The Chairperson and every member of the State Commission shall hold office as such for a term of three years from the date on which he assumes office and shall be eligible for re-appointment:

Provided that the Chairperson or a member shall not hold the office as such after attaining the age of sixty-five years:

Provided further that the Chairperson or a member shall not hold the office for more than two terms.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson or a member may—

(a) relinquish his office, by giving in writing to the appropriate Government, a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of sub-section (5).

(3) The Chairperson or a member shall not hold any other office during the period of his holding office in the State Commission.

(4) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and the members shall be such as may be prescribed by the appropriate Government:

Provided that the salary and allowances and the other terms and conditions of service of the Chairperson or a member, as the case may be, shall not be varied to his disadvantage after his appointment.

(5) The State Government concerned may, by order, remove from office the Chairperson, or a member, if the Chairperson or, as the case may be, the member—

(a) becomes physically or mentally incapable of acting as the Chairperson or, as the case may be, a member;

(b) is convicted of an offence which, in the opinion of the appropriate Government, involves moral turpitude;

(c) acquires such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or, as the case may be, a member; or

(d) has, in the opinion of the appropriate Government, so abused his position as to render his continuance in office detrimental to the public interest.

(6) The Chairperson, or a member, shall not be removed under clause (c) or clause (d) of sub-section (5) unless he is provided reasons in writing and has been given a reasonable opportunity of being heard in the matter.

**16.** No act or proceeding of the State Commission shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Commission or appointment of a person as the Chairperson or a member of the Commission, as the case may be.

Terms and Conditions of Service of the Chairperson and Members of the State Commission.

No act or proceeding of a State Commission to be questioned on the ground of vacancy or defect in the constitution of Commission.

State Commission may constitute Committees for efficient discharge of its functions.

**17.** The State Commission may, for efficient discharge of its functions, constitute Committees, consisting of such number of persons and in such manner as may be prescribed by the concerned State Government.

State Commission may call for assistance or advice of any person.

**18.** (1) The State Commission may associate with itself, in such manner and for such purposes as may be prescribed by the concerned State Government, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with a State Commission under sub-section (1) for any purpose shall have a right to take part in discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a member for any other purpose.

(3) The person so associated shall be entitled to such allowance for attending the meeting as may be prescribed by the concerned State Government.

Chairperson to have powers of general superintendence and direction in the conduct of the affairs of the State Commission.

**19.** The Chairperson of the State Commission shall have powers of general superintendence and direction in the conduct of the affairs of the State Commission and he shall, in addition to presiding over the meetings of the Commission, exercise and discharge such powers and functions as may be prescribed by the concerned State Government.

Meetings of the State Commission.

**20.** (1) The State Commission shall meet as and when necessary at such time as its Chairperson may think fit.

(2) The State Commission shall regulate its own procedure.

(3) The State Commission shall have the autonomy to allocate and expend the funds on the functions assigned to it under this Act.

Officers and staff of the State Commission.

**21.** (1) The State Commission may, with the approval of the State Government concerned, determine the number, nature and categories of officers and employees required by it in the discharge of its functions.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the State Commission, shall be such as may be specified by regulations by the State Commission concerned with the approval of the concerned State appropriate Government.

## CHAPTER V

### FUNCTIONS OF THE STATE COMMISSIONS FOR INTANGIBLE CULTURAL HERITAGE

Functions of the State Commission.

**22.** (1) Every State Commission shall serve as the body responsible for protection, preservation and promotion of intangible cultural heritage in its respective State.

(2) Each State Commission shall perform the following functions, namely:—

(a) make recommendations to the concerned State Government on short term and long term policies in respect of protection, preservation and promotion of intangible cultural heritage of the State;

(b) undertake surveys, as per the evaluation criteria prescribed by the National Commission, to identify the various forms of intangible cultural heritage of the State;

(c) compile, and revise, on a periodic basis, a comprehensive list of the forms of intangible cultural heritage of the State;

(d) identify the forms of intangible cultural heritage which are in need of urgent safeguarding from amongst the forms of intangible cultural heritage compiled under clause (c);

(e) undertake studies to research and document, both as written text and in video, the various forms of intangible cultural heritage in the State, and ensure that this research and documentation is easily accessible to the general public;

(f) share the list of forms of intangible cultural heritage identified under clauses (c) and (d) and the documentation generated under clause (e) with the National Commission;

(g) compile, and revise, on a periodic basis, a comprehensive list of the bearers of intangible cultural heritage of each form identified under clause (c);

(h) make recommendations to the National Commission for budgetary support required to implement programmes for the protection, preservation and promotion of the forms of intangible cultural heritage identified under clauses (c) and (d);

(i) prepare and submit an annual report to the National Commission and the concerned State Government, in such form and within such time as may be prescribed by the National Commission, giving a true and full account of its activities during the previous year, and the concerned State Government shall cause every such report to be laid before the State Legislature;

(j) ensure coordination and sharing of best practices with the National Commission as well as with other State Commissions;

(k) undertake following measures to promote the concerned State's intangible cultural heritage both within the State and other places in India,—

(i) disseminating information through media or other publications;

(ii) recognizing leading artists and their contribution to intangible cultural heritage;

(iii) supporting artists and organizations working in the domain of intangible cultural heritage, through scholarships, grants, loans or other such financial support;

(iv) establishing and developing educational and cultural institutions such as research centres, museums, libraries, archives, workshops as well as other infrastructure for the protection, preservation and promotion of intangible cultural heritage;

(v) recommending changes in school curricula for promoting a better understanding of the State's intangible cultural heritage among students;

(vi) organizing art festivals, performances or other such screenings;

(l) undertake such other measures by the State Commission may deem appropriate; and

(m) such other functions as may be prescribed by the concerned State Government.

## CHAPTER VI

### FINANCE ACCOUNTS AND AUDIT

**23.** (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the National Commission and the State Commissions, grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Central Government to grant funds to the Commissions.

(2) The National Commission may spend the grants made to it under sub-section (1) in such manner as it may deem appropriate for performing the functions under this Act.

(3) Every State Government shall, by way of grants, provide such additional sums of money to the State Commission concerned, as it may deem necessary.

(4) A State Commission may spend the grants made to it under sub-section (1) or sub-section (3) in such manner as it may deem appropriate for performing the functions under this Act.

(5) The National Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(6) The accounts of the National Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Commission to the Comptroller and Auditor-General.

(7) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the National Commission shall, have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect the offices of the National Commission.

(8) The accounts of the National Commission as certified by the Comptroller and Auditor-General of India or any person appointed in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the National Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

(9) Every State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(10) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connections with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(11) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the State Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(12) The accounts of the State Commission as certified by the Comptroller and Auditor-General of India or any person appointed in this behalf, together with the audit report thereon shall be forwarded annually to the concerned State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

## CHAPTER VII

## MISCELLANEOUS

**24.** (1) Without prejudice to the forgoing provisions of this Act, each Commission shall, in exercise of its powers or performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the appropriate Government may give in writing to it from time to time:

Commission to work under the direction of the appropriate Government.

Provided that the concerned Commission shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the appropriate Government, whether a question is one of policy or not, shall be final.

**25.** The Chairpersons, members, officers and other employees of the National Commission and the State Commissions shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Chairperson and Members of the Commission deemed to be public servants.

**26.** No suit, prosecution or other legal proceedings shall lie against the Central Government, the State Government, the National Commission, the State Commission, or any member thereof or any person acting under the direction either of the Central Government, the State Government, the National Commission or the State Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, the State Government, the National Commission or the State Commission of any report or paper.

Protection of action taken in good faith.

**27.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The popular perception of culture has undergone a sea change over the last two decades, with the recognition of centrality of those aspects of our culture that are intangible. It is increasingly recognized that our cultural heritage is not limited to monuments and archaeological sites; it also includes traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts.

In order to ensure that the international community recognizes its obligation towards preservation of intangible forms of culture, the United Nations Educational, Scientific and Cultural Organization in its 32nd session in Paris adopted the Convention for the Safeguarding of Intangible Cultural heritage. India ratified the convention on 9th September 2005. Article 11 and Article 13 of this Convention, —*inter alia*, cast certain obligations on each state party to adopt appropriate legal, technical, administrative and financial measures to safeguard and promote intangible cultural heritage.

The current legal framework for cultural heritage in India restricts itself to recognizing only those forms as cultural heritage which are tangible. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 neither covers nor ascribes any importance to the preservation and protection of living and non-material forms of our heritage, such as oral traditions, customs, ideas, etc. which are crucial to our cultural identity.

Not only is there a policy vacuum for intangible cultural heritage, but also abysmally low levels of Government spending, parts of which have remained unutilized over successive budgets. This reflects the lack of concerted action in preserving our rich intangible cultural heritage. This not only stands to endanger the continuance and preservation of this heritage, but also threatens the livelihoods of its practitioners. Countries such as China, Japan, Armenia and Vietnam already have a comprehensive national legislation in place, which provide legal guidelines for identification safeguarding and promotion of their intangible cultural heritage.

There is a need for greater awareness among individuals and local Governments to preserve our cultural legacies, especially those which have not received their due. This Bill paves the way for creation of autonomous National and State Commissions that will identify forms of intangible cultural heritage; facilitate their protection and promotion by encouraging research and documentation, run information campaigns, establish cultural institutions, support artists and organizations; and ensure their preservation for the original stakeholders *i.e.* the artisans, performers and the local community.

Hence this Bill.

NEW DELHI;  
November 11, 2014.

BAIJAYANT PANDA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Commission for Intangible Cultural Heritage. Clause 4 provides for composition of the National Commission. Clause 5 provides for payment of salary and allowances to the Chairperson and six other members of the National Commission. Clause 8 provides for payment of allowance to persons called for attending the meeting of the National Commission. Clause 11 provides for appointment of officers and staff of the National Commission. It also provides for salary and allowances payable to the officers and staff of the National Commission. Clause 13 provides for constitution of the State Commission. Clause 14 provides for composition of the State Commission. Clause 15 provides for payment of salary and allowances to the Chairperson and six other members of the State Commission. Clause 18 provides for payment of allowance to persons called for attending the meeting of State Commission. Clause 21 provides for appointment of officers and staff of the State Commission. Clause 23 provides that the Central Government shall grant Funds to the National Commission and the State Commissions. The Bill, therefore, if enacted is likely to involve expenditure out of the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore would be involved per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 27 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 11 empowers the National Commission to make regulations for salary and allowances payable to and other terms and conditions of the officers and staff appointed by the Commission. Clause 21 empowers the State Commission to make regulations for salary, allowances payable to and other terms and conditions of the officers and staff appointed by the Commission. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 159 OF 2014

*A Bill to provide for regulation and control of medical therapy practitioners and medical therapy clinics in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Medical Therapy Practitioners and Clinics (Regulation and Control) Act, 2014.

(2) It extends to the whole of India.



(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires:—

Definitions.

(a) 'Authority' means the Registration Authority for Registration of Practitioners and Clinics constituted under section 4;

(b) 'medical therapy' means medically directed therapy through physical agents including heat, cold, light, water, massage, electricity or manual exercises to persons with the aim of preventing or correcting any disability and includes occupational therapy;

(c) 'clinic' means any place used for carrying out any kind of medical therapy on human body for diagnosis and prevention or cure or any disability or disease;

(d) 'practitioner' means a person practicing medical therapy whose name has been entered in the Register of the Authority under section 4;

(e) 'Register' means the medical register maintained by the Authority under section 5;

(f) 'prescribed' means prescribed by the rules made under this Act.

**3.** (1) No person shall practice and no clinic shall permit medical therapy without prior registration with the Authority.

Compulsory registration for practitioners and clinics.

(2) Every practitioner and owner of every clinic shall apply to the Authority for registration of clinic within a period of thirty days from the date of coming into force of this Act.

**4.** (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Registration Authority for Registration of Practitioners and Clinics.

Constitution of Registration Authority.

(2) The Authority shall have its headquarter at New Delhi and may establish its regional offices at such places as it may deem necessary for the purposes of this Act.

(3) The Authority shall consist of a Chairperson and such other members being not less than six, to be appointed by Central Government in such a manner as may be prescribed.

(4) The Central Government shall appoint a Registrar of the Authority and make available such number of officers and staff as may be required for efficient functioning of the Authority.

(5) The salaries and allowances and terms and conditions of services of Chairperson, Registrar, officers and staff of the Authority shall be such as may be prescribed.

**5.** The Authority shall—

Functions of the Authority.

(1) entertain application for registration from any individual who possess requisite qualification for practicing medical therapy and any owner who runs a clinic to provide medical therapy services to general public;

(2) maintain a Register of practitioners and clinics;

(3) inspect every registered clinic at least once in a year;

(4) maintain a website to display names, addresses and other details of practitioners and clinics;

(5) prescribe standards of professional conduct, etiquette and ethics for medical therapy practitioners;

(6) entertain complaints of misconduct against practitioners or clinics;

(7) investigate into the complaints and take necessary action against the practitioners or clinics, as the case may be; and

(8) perform such other functions in relation to practitioners and clinics as may be assigned to it by the Central Government.

Cancellation  
of  
Registration.

**6.** (1) Where any practitioner or clinic, as the case may be, fails to comply with the provisions of this Act, the Authority shall cancel the registration of such practitioner or clinic.

(2) The Authority shall, before cancellation of registration under sub-section (1), give an opportunity of being heard to the practitioner or the clinic in the matter, as the case may be.

Penalty.

**7.** Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to three lakh rupees or with both.

Central  
Government  
to provide  
fund.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money to the Authority, as may be necessary, for effective implementation of the provisions of this Act.

Act not in  
derogation of  
any other law.

**9.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
make rules.

**10.** (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In recent years, there has been a sudden spurt in the number of medical therapy centres and clinics in the country. However, professionals such as individuals trained in therapeutic procedures such as physiotherapy, occupational therapy and others are not regulated by any law. Unlike the conventional medicine, where the conduct of the physicians and doctors are regulated by Medical Council of India Act, 1956 and the rights of the patients against medical negligence and malpractices governed by the Consumer Protection Act, the therapist professionals are not monitored by any legislation. A Government notification in 1998 included physiotherapists and occupational therapists under the Rehabilitation Council of India Act, 1992. However, a subsequent notification reversed that decision.

Advertisement and promises which are blatant lies are employed to take advantage of the ignorant patients. It is shocking to know that more than ninety per cent. of these services are not under the ambit of any medico-legal or tax law. It has a two-fold disadvantage, first there is no check over the quality of the services provided and second there is a huge loss to the exchequer in terms of undisposed income.

Since these therapists are also involved in treating children with special needs and senior citizens, it becomes all the more important to regulate these professionals. Recognising the grave situation, some States such as Madhya Pradesh, Delhi, Maharashtra and Himachal Pradesh have passed laws setting up State Councils to regulate physiotherapists and occupational therapists. However, no such regulation is available at the national level. Therefore, there is an urgent need to formulate a legal framework for the regulation of medical therapy practitioners and clinics in the country.

Hence this Bill.

NEW DELHI;  
*November 11, 2014*

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of an Authority for registration of medical therapy practitioners and clinics. Clause 8 provides that the Central Government shall provide funds for the purposes of the Bill. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore Per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 179 OF 2014

*A Bill to provide for free and compulsory education from pre-primary to senior secondary level and career guidance to the children of parents living below poverty line.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Free and Compulsory Education for Children of Parents Living Below Poverty Line Act, 2014.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "career counsellor" means a person who possesses essential qualifications and professional experience to give advice and information to students about their career;

(c) "career guidance" includes providing information to students on the various courses available on completion of school education, the basic requirements to join a course and the manner of applying for admission in such courses;

(d) "child" means a male or a female who has not attained the age of eighteen years;

(e) "parent" includes the adoptive or step parent or guardian of a child;

(f) "parents living below poverty line" means such parents whose income from all sources does not exceed rupees one lakh per annum; and

(g) "school education" means education from pre-primary level to senior secondary or equivalent level and includes vocational courses.

Free and compulsory school education.

**3.** The appropriate Government shall provide free and compulsory school education to every child whose parents are living below poverty line.

*Explanation.*— For the purpose of this section, "free education" includes:—

(a) any fee including admission and tuition fee;

(b) provision of books, note books and stationery materials free of cost; and

(c) mid-day meal and free hostel facility, wherever necessary.

Establishment of schools.

**4. (1)** The appropriate Government shall establish adequate number of schools for imparting school education.

(2) For the purpose of sub-section (1), the appropriate Government may, if it deems necessary, upgrade any of the existing primary, middle or secondary school to senior secondary level.

Provision for Career Guidance.

**5.** The appropriate Government shall appoint at least one career counsellor in every school for career guidance to every student.

Duty of parents to admit their children in school.

**6. (1)** It shall be the duty of every parent living below poverty line to admit his children in a school.

(2) No parent shall withdraw his child from school till the child completes the education.

Prohibition on Employment of child.

**7.** No person shall employ a child in any job which prevents him from receiving school education.

Punishment.

**8.** Any person, including parents, who for any reason prevents, restrains or obstructs a child from attending school or receiving school education, shall be punished with simple imprisonment for a term which may extend upto one year and shall also be liable to fine.

Central Government to provide adequate funds to the State Governments.

**9.** The Central Government shall provide adequate funds to the State Governments for effective implementation of the provisions of this Act.

Power to make rules.

**10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

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may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both house agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Education plays an important role in shaping an individual's career. Education removes blanket of ignorance, empowers people and familiarizes them of their fundamental rights. The level of education helps people to earn recognition and respect in the society. Article 21A of the Constitution guarantees free and compulsory education to all the children between the age of six to fourteen years. However, there is no obligation on the part of the Government to ensure pre-primary and higher education. Although, Government has taken an important step by enacting the Right of Children to Free and Compulsory Education Act, 2009, yet, a lot more needs to be done to enable the children to secure gainful employment after completing their education.

Modern education system is so expensive that all citizens cannot afford it. Poor parents with meager income are unable to send their children to school beyond eighth standard and the child is left with no option but to dropout after eighth class. It reflects poorly on our educational system.

Education alone cannot be fruitful unless supplemented by career guidance in schools. It will prove to be a boon to the students in pursuing further studies and choosing their career.

The present Bill, therefore, seeks to put an obligation on the appropriate Government to ensure free and compulsory education and career guidance to the children of parents living below poverty line from pre-primary upto senior secondary or equivalent level.

Hence this Bill.

NEW DELHI;

SUPRIYA SULE

*November 11, 2014.*



#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education to every child whose parents are living below poverty line. Clause 4 provides for establishment of adequate number of schools for imparting school education. It further provides for upgradation of primary or middle schools upto senior secondary and also appointment of career counsellor in every school. Clause 9 provides for providing of adequate funds to the State Governments for effective implementation of the provisions of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifteen hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 1 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.Amendment  
of article  
148.**2.** In article 148 of the Constitution, in clause (1), the following proviso shall be inserted, namely :—

“Provided that every appointment under this clause shall be made after obtaining the recommendation of a Committee consisting of—

(a) the Prime Minister

— Chairperson;

- (b) the Speaker of the House of the People — Member;
- (c) the Leader of Opposition in the House of the People — Member;
- (d) the Leader of Opposition in the Council of States — Member;
- (e) the incumbent Comptroller and Auditor-General of India — Member.

Provided further that the Committee shall recommend the name of the person to be appointed under this article by a majority of votes of all the members of the Committee.”.

## STATEMENT OF OBJECTS AND REASONS

The office of the Comptroller and Auditor-General of India (CAG), first constituted in 1850, is one of the oldest institutions in the country. The basic role of the institution remains the same today, as when first constituted, *i.e.*, to undertake audit of expenditure of public money.

In the recent past, CAG reports have been credited with highlighting grave discrepancies in expenditure of public money and policies. In particular, the reports on the XIXth Commonwealth Games and the reports on the allocation of 2G spectrum and coal blocks gained a lot of traction among the people. This led to demands for strict action against erring officials, politicians and businessmen.

The CAG acts as the custodian of the public purse and provides Parliament with information to ensure accountability and scrutiny of the Government. The CAG can do justice to this role only if he is competent and also independent. In order to be truly independent, the CAG must be free from both the control of the Government and also from political bias.

Under the present scheme prescribed under the Constitution, the President while acting on the advice of the Council of Ministers appoints the CAG for a fixed term of six years. Therefore, it is the prerogative of the Government to select a suitable CAG. This has raised the concern about a 'compromised' appointment process. The CAG is a watchdog that assists Parliament in keeping the Government in check. Therefore, any Government which is at the receiving end of the CAG's riveting scrutiny is likely to appoint an ineffective, pliant and biased person as CAG.

In order to ensure that the competence and the independence of the CAG does not depend on the righteousness of the Government in power, it is important to amend the Constitution to prescribe an appointment procedure that safeguards this important constitutional office from undue interference. Accordingly, this Bill proposes that the CAG should be appointed on the recommendation of a Committee consisting of:

- (a) the Prime Minister;
- (b) the Speaker of the Lok Sabha;
- (c) the Leader of Opposition in the Lok Sabha;
- (d) the Leader of Opposition in the Rajya Sabha; and
- (e) the incumbent Comptroller and Auditor-General of India.

The Committee has been mandated to take a decision by simple majority.

The architect of our Constitution, Dr. B.R. Ambedkar believed that the CAG is "probably the most important officer under the Constitution of India". If this functionary is to carry out the duties of his office effectively, without fear or favour, we must ensure his independence.

Hence this Bill.

NEW DELHI;  
November 11, 2014.

BAIJAYANT PANDA

## BILL NO. 17 OF 2015

*A Bill to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education (including technical education and medical education and award of degree, diploma and equivalent qualifications by such institutions) and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

1. (1) This Act may be called the Foreign Educational Institutions (Regulation of Entry and Operations) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “accrediting agency”, in respect of a course of study offered in India by a foreign educational institution, means an agency or body approved, recognised or authorised by the Council for Higher Education Accreditation or University Quality Agency or the Quality Assurance Authority, by whatever name called, established or incorporated under a law in the country of origin of the foreign educational institution or any other statutory authority in that country for the purpose of assessing, accrediting or assuring quality and standards of educational institutions;

(b) “Advisory Board” means the Advisory Board constituted under sub-section (2) of section 9;

(c) “Commission” means the University Grants Commission established under the University Grants Commission Act, 1956 or any other body or council or commission established under any Central Act for the time being in force to regulate the entry and operation of foreign educational institution;

(d) “fee” means all fees including tuition fee and development charges, by whatever name called, payable by the students enrolled for pursuing courses or programmes of study;

(e) “foreign educational institution” means—

(i) an institution established or incorporated outside India which has been offering educational services for at least twenty years in the country in which it had been established or incorporated; and

(ii) which offers educational services in India or proposes to offer courses leading to award of degree or diploma or certificate or any other award through conventional method including classroom teaching method not including distant mode in India independently or in collaboration, partnership or in a twinning arrangement with any educational institution situated in India;

(f) “foreign education provider” means a foreign educational institution notified by the Central Government, as a foreign education provider, on the recommendation of the Commission as an institution competent to impart education in India and to award degree, diploma or any other equivalent qualification (other than in the distance mode) at undergraduate, post-graduate, doctoral or post-doctoral level;

(g) “national research professor” means a person, who is an academic of high distinction, declared as such by the Central Government;

(h) “notification” means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variations shall be construed accordingly;

(i) “prescribed” means prescribed by rules made under this Act;

(j) “profession” means the profession of law, medicine and such other profession as may be notified by the Central Government from time to time;

(k) “Registrar” means the Secretary of the University Grants Commission or any other officer of the Commission notified, by the Central Government, as Registrar for the purposes of this Act;

(l) “regulations” means regulations made by the Commission;

(m) “statutory authority”—

(i) in relation to higher education or technical education or practice of any profession means the University Grants Commission;

(ii) in relation to medical education means the statutory authority established under—

- (A) the Indian Medical Council Act, 1956; or
- (B) the Homoeopathy Central Council Act, 1973; or
- (C) the Indian Medicine Central Council Act, 1970; or
- (D) the Dentists Act, 1948; or
- (E) the Pharmacy Act, 1948; or
- (F) the Indian Nursing Council Act, 1947;

(iii) in relation to legal education means the Bar Council of India constituted under section 4 of the Advocates Act, 1961;

(n) “technical education” means the technical education as defined in the All India Council of Technical Education Act, 1987; and

(o) “twinning programme” means a programme whereby students enrolled with a foreign education provider complete their study partly in India and partly in any other educational institution situated outside India.

## CHAPTER II

### FOREIGN EDUCATIONAL INSTITUTIONS

3. No foreign educational institution shall admit any person as a student, or collect any fee from such person or its students in India for any course of study leading to the award of a degree or a diploma, by whatever name called, unless such institution has been notified by the Central Government as a foreign education provider under sub-section (8) of section 4.

Prohibition on admission, collection of fees, etc.

4. (1) Any foreign educational institution which intends to impart education in India, shall submit an application, for being recognised and notified as a foreign education provider under this Act, to the Registrar and such application be duly endorsed by the concerned Embassy or High Commission in India of the country in which such institution is established or incorporated and has been offering educational services in that country:

Foreign educational institutions to apply for being notified as foreign education providers.

Provided that a foreign educational institution providing educational services in India before the commencement of this Act, shall apply under this sub-section within a period of six months from the date of commencement of this Act and it shall cease to provide educational services in accordance with the provisions of this Act if its application for recognition and notifying as foreign education provider has been rejected.

(2) The form and manner in which an application under sub-section (1) shall be made and the other particulars, including payment of fee, shall be such as may be prescribed.

(3) Every application under sub-section (1) shall be accompanied by—

(a) the documents to the effect that such foreign educational institution—

(i) has been established or incorporated and has been offering educational services for at least twenty years under a law of the country in which such institution is established or incorporated and registered along with the status of its accreditation, wherever applicable, from the accrediting agency of that country; and

(ii) has adequate financial and other resources to conduct the course or courses of study in India;

(b) an undertaking to maintain a corpus fund of not less than eighty crore rupees or of such sum as may be notified, from time to time, by the Central Government in consultation with the statutory authority.

(4) The Registrar shall, on receipt of an application under sub-section (1), forward a copy thereof to the statutory authority for obtaining its recommendation as to the fitness of such institution to provide quality education in India:

Provided that the statutory authority shall make its recommendation to the Registrar within a period of three months from the date of receipt of the copy of the application under sub-section (4).

(5) The Registrar shall make such inquiries, in such manner, as may be specified by regulations, to ensure that the foreign educational institution meets the requirements to provide quality education in India, as laid down under any law for the time being in force.

(6) The Registrar shall, as early as possible, and preferably within a period of six months from the date of receipt of the application under sub-section (1) by a foreign educational institution, submit his report on the fitness of such institution to provide quality education in India, along with such recommendations as may be made by the statutory authority, to the Commission.

(7) The Commission shall consider the report of the Registrar and recommendations of statutory authority, and recommend to the Central Government, within a period of thirty days from the date of receipt of such report and recommendations, as to the fitness of such institution proposed to be recognised and notified as a foreign education provider in India:

Provided that if the Commission is of the opinion that it shall not be in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or sensitivity of location of the foreign educational institution or any other such reason to permit a foreign educational institution to operate in India, either independently or in collaboration or partnership or in twinning arrangement with any educational institution situated in India, it shall submit a report to the Central Government in this regard, and the decision of the Central Government thereon shall be final.

(8) The Central Government may, having regard to the report of the Commission, within a period of thirty days from the date of receipt of such report, recognised and notify such foreign educational institution as a foreign education provider for the purpose of award of degree or diploma or both in India and immediately after such notification, notwithstanding anything contrary or otherwise in the University Grants Commission Act, 1956, the provisions of that Act shall apply to such institution as they apply to any university in India:

Provided that the Central Government may reject the application of a foreign educational institution for reasons to be recorded in writing and communicate the same to such institution within a period of thirty days from the date of receipt of report of the Commission.

Quality of programmes offered in India, use of income from corpus fund, and investment of surplus in generated revenue.

5. (1) A foreign education provider shall ensure that the course or programme of study offered and imparted by it in India is, in conformity with the standards laid down by the statutory authority, and is of quality comparable, as to the curriculum, methods of imparting education and the faculty employed or engaged to impart education, to those offered by it to students enrolled in its main campus in the country in which such institution is established or incorporated.

(2) A foreign education provider shall, out of the income received from the corpus fund, utilise not more than seventy-five per cent. of such income for the purposes of development of its institution in India and the remaining of such unutilised income shall be deposited into the corpus fund.

(3) No part of the surplus in revenue generated in India by such Foreign Education Provider, after meeting all expenditure in regard to its operations in India, shall be invested for any purpose other than for the growth and development of the educational institutions established by it in India.



6. (1) Every foreign education provider shall publish, before expiry of ninety days prior to the date of the commencement of admission to any of its courses or programmes of study, a prospectus containing the following for the purposes of informing those persons intending to seek admission and the general public, namely:—

Mandatory publication of prospectus, its contents and its pricing.

(i) each component of the fee, deposits and other charges payable by students admitted to such institution for pursuing a course or programme of study, and the other terms and conditions of such payment;

(ii) the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or programme of study and the time within, and the manner in, which such refund shall be made to that student;

(iii) the number of seats approved by the statutory authority in respect of each course or programme of study for the academic year for which admission is proposed to be made;

(iv) the conditions of eligibility including the minimum and maximum age limit, if any, of persons for admission as a student in a particular course or programme of study, where so specified by the institution;

(v) the educational qualifications specified by the relevant statutory authority, or by the institution, where no such qualifying standards have been specified by any statutory authority;

(vi) the process of admission and selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination, if any, for selecting such candidates for admission to each course or programme of study and the amount of fee to be paid for the admission test;

(vii) details of the teaching faculty, including therein the educational qualifications and teaching experience of every member of its teaching faculty and also indicating therein whether such members are on regular basis or as visiting member;

(viii) the minimum pay and other emoluments payable for each category of teachers and other employees;

(ix) information in regard to physical and academic infrastructure and other facilities including hostel accommodation, library and hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the institution;

(x) broad outlines of the syllabus specified by the statutory authority or by the institution, as the case may be, for every course or programme of study, including the teaching hours, practical sessions and other assignments;

(xi) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution, and, in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made under the University Grants Commission Act, 1956 or any other law for the time being in force;

(xii) any such other information which may be prescribed:

Provided that the foreign education provider shall publish information referred to in items (i) to (xii) of this sub-section, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in the different newspapers and through other media:

Provided further that the foreign education provider may publish prospectus in accordance with this section at any time before the period of ninety days specified under this sub-section.

(2) Every foreign education provider shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

Withdrawal  
and rescission  
of notification  
of foreign  
education  
provider.

7. (1) If the Commission is satisfied that the foreign education provider has violated any provision of this Act or the University Grants Commission Act, 1956 or any other law for the time being in force or rules, regulations or orders made or notifications issued thereunder, it may, after giving a reasonable opportunity of being heard to the foreign education provider, recommend to the Central Government for withdrawal or recognition and rescission of the notification issued under sub-section (8) of section 4 in respect of such foreign education provider.

(2) Where the Central Government is satisfied that the recognition of the foreign education provider, referred to in sub-section (1), is to be withdrawn and notification issued under sub-section (8) of section 4 in respect of such foreign education provider to be rescinded, it shall require the Commission to intimate—

(i) the management of the foreign education provider;

(ii) the teachers employed by the foreign education provider; and

(iii) the student council or any other body by whatever name called, and the parents of the students enrolled by the foreign education provider,

by a notice, in such manner as may be prescribed, of the grounds for withdrawal of recognition and rescission of the notification issued under sub-section (8) of section 4 in respect of such foreign education provider.

(3) The management or teachers or students council or parents of students of such foreign education provider may, within a period of thirty days from date of receipt of notice under sub-section (2), represent to the Central Government against the proposed rescission of the notification in respect of such foreign education provider.

(4) If the Central Government, after considering the representations, if any, received under sub-section (3), is satisfied, it may withdraw the recognition and rescind the notification issued under sub-section (8) of section 4 in respect of the foreign education provider referred to in sub-section (1).

(5) On withdrawal of the recognition and rescission of the notification issued under sub-section (8) of section 4 in respect of the foreign education provider, the foreign educational institution shall cease to be a foreign education provider on and from the last date of the academic session following the previous academic session in which the notice under sub-section (2) was issued by the Commission.

(6) On withdrawal of recognition and rescission of the notification issued under sub-section (8) of section 4 in respect of the foreign education provider, the Central Government shall, as soon as may be, take such measures as may be necessary to provide alternative and appropriate educational facilities for those students who were enrolled by such foreign education provider.

(7) The Central Government may, in accordance with the relevant law for the time being in force, attach the corpus fund and such other properties of the foreign education provider referred to in sub-section (4), as it may deem fit to make payments to any person employed in India by such foreign education provider, and for making arrangements of appropriate educational facilities for students referred to in sub-section (6).

## CHAPTER III

## PENALTIES

8. (1) Notwithstanding anything contained in the University Grants Commission Act, 1956, any person who, being associated with an educational institution or a foreign educational institution not being a foreign education provider which has not been recognised and notified under sub-section (8) of section 4 or whose recognition and notification has been withdrawn—

Penalties.

(a) offers or gives admission to any person as student or collects fee or awards any degree, diploma or any other equivalent qualification in violation of the provisions of section 3; or

(b) publishes or releases any advertisement which is misleading or gives wrongful information in the print, electronic or any other media or fails to publish disclosures as required under section 13,

shall be liable to a penalty which shall not be less than fifteen lakh rupees but which may extend to eighty lakh rupees in addition to refund of the fee, so collected, to the persons from whom it was collected and confiscation of any gains made out of it.

(2) Any foreign education provider, which has been recognised and notified under sub-section (8) of section 4, who contravenes any provision of section 5 or section 6 or any provision of the University Grants Commission Act, 1956, shall be liable to a penalty which shall not be less than fifteen lakh rupees but which may extend to eighty lakh rupees and the forfeiture of the corpus fund referred to in clause (b) of sub-section (4) of section 4 in whole or part thereof.

(3) All sums realised by way of penalties or the gains confiscated under this Chapter or the amount of corpus fund forfeited shall be credited to the Consolidated Fund of India.

## CHAPTER IV

## MISCELLANEOUS

9. (1) Notwithstanding anything contained in this Act, the Central Government may, by notification, on the recommendation of the Advisory Board constituted under sub-section (2), having regard to the reputation and international standing of foreign educational institution and such other criteria as may be prescribed, exempt such institution from operation of any of the foregoing provisions, other than sub-section (3) of section 5 and section 8.

Power of Central Government to exempt.

(2) For the purpose of sub-section (1), the Central Government shall, by notification, constitute an Advisory Board consisting of—

(a) three distinguished persons from the field of academics, who are, or may have been at any time, declared as a national research professor, one of whom shall be designated as the Chairperson of the Advisory Board;

(b) Chairman of the Commission, *ex-officio* ;

(c) Chairman of one of the statutory authorities, other than the Commission, by rotation.

(3) The Advisory Board shall meet at such times and places, and observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting) as may be prescribed.

10. (1) Without prejudice to the foregoing provisions of this Act, the Commission, shall, in exercise of its powers or performance of its functions under this Act, be bound by such directions on question of policy as the Central Government may give in writing to it, from time to time:

Power of Central Government to issue directions.

Provided that the Commission shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Application of other laws not barred.

**11.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Foreign educational institution conducting certificate courses to report its activities to Commission.

**12.** (1) Notwithstanding anything contained in this Act, a foreign educational institution (not being a foreign education provider notified under section 4), which is imparting education leading to award of certificate or any other qualification not being a degree or diploma or equivalent qualifications, shall furnish a report to the Commission about its activities, in such manner as may be specified by regulations.

(2) The foreign educational institution referred to in sub-section (1), shall publish information on its website and draw the attention of prospective students and the general public to such publication on the website through advertisements displayed prominently in the different newspapers and through other media, indicating, *inter alia*, the following, namely:—

- (a) the details of course or programme of study leading to the award of certificate;
- (b) the details of enrolment of students;
- (c) the details of infrastructure available with it;
- (d) details of the place wherefrom such institution is operating in India;
- (e) whether operating on its own or through collaboration or partnership or twinning arrangement with any Indian educational institution and the details thereof;
- (f) such other information as may be considered necessary by the Commission.

Power to make rules.

**13.** (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form and manner in which an application may be made and other particulars including payment of fee under sub-section (2) of section 4;
- (b) the other information required to be published in the prospectus by a foreign education provider under clause (xii) of sub-section (1) of section 6;
- (c) the manner in which notice shall be given under sub-section (2) of section 7;
- (d) the criteria for granting exemption to foreign educational institution under sub-section (1) of section 9;
- (e) the time and place at which the Advisory Board shall meet and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting) to be observed by it under sub-section (3) of section 9;
- (f) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules by the Central Government.

Power to make regulations.

**14.** (1) The Commission may, by notification, make regulations, consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the inquiries and the manner of making such inquiries by the Registrar under sub-section (5) of section 4;
- (b) the manner in which a foreign educational institution shall report of its activities under sub-section (1) of section 13;

(c) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

**15.** Every rule and every regulation made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification, or both Houses agree that the rule or regulation or notification should not be made or issued, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

Laying of  
rules,  
regulations  
and  
notifications.

**16. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary, for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## STATEMENT OF OBJECTS AND REASONS

A number of Foreign Educational Institutions have been operating in the country and some of them may be resorting to various malpractices to allure and attract students. There is no comprehensive and effective policy for regulation on the operations of all the foreign educational institutions in the country. Due to lack of policy or regulatory regime it has been very difficult to make meaningful assessment of the operations of the foreign educational institutions and absence of such meaningful assessment has given rise to chances of adoption of various unfair practices besides commercialisation.

2. At present, only the All India Council for Technical Education has notified regulations for entry and operation of foreign universities and institutions imparting technical education in India which apply only to such institutions which are providing technical education covered by the All India Council for Technical Education Act, 1987.

3. The enactment of a legislation regulating entry and operation of all the foreign educational institutions is necessary to maintain the standards of higher education within the country as well to protect the interest of the students and in public interest. The object of the proposed legislation is to regulate entry and operation of foreign educational institutions imparting or intending to impart higher education or technical education or practice of any profession in India (including award of degree, diploma and equivalent qualifications by such institutions) and for matters connected therewith or incidental thereto.

4. The present Bill, *inter alia*, provides—

(a) that the foreign educational institution shall,—

(i) not impart education in India unless it is recognised and notified by the Central Government as a foreign education provider under the proposed legislation;

(ii) offer and impart education which is in conformity with the standards laid down by the statutory authority, and is of quality comparable, as to the curriculum, methods of imparting education and the faculty employed or engaged to impart education, to those offered by it to students enrolled in its main campus in the country in which such institution is established or incorporated; and

(iii) maintenance of the corpus fund of not less than eighty crore rupees or such sum as may be notified from time to time by the Central Government;

(b) that the Central Government may,—

(i) refuse to recognise and notify a foreign educational institution as foreign education provider if it is not in the interest of sovereignty, integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or sensitivity of location of the foreign educational institutions; and

(ii) withdraw the recognition and rescind the notification of a foreign education provider on the grounds of violation of the provisions of the proposed legislation or the University Grants Commission Act, 1956 or any other law for the time being in force and on such withdrawal or recession of notification, the Central Government shall make necessary alternative arrangements;

(c) that any person who, being associated with an educational institution or a foreign educational institution not being a foreign education provider which has not been recognised and notified under the proposed legislation, offer or gives admission to any person as student or collects fee or awards any degree, diploma or publishes or releases any advertisement which is misleading or gives wrongful information or fails to publish

disclosures as required under the proposed legislation shall be liable to a penalty of not less than fifteen lakh rupees which may extend to eighty lakh rupees in addition to refund of the fee and confiscation of any gains made out of it; and

(d) that any foreign education provider, which has been recognised and notified under the proposed legislation, who contravenes the provisions of clause 5 of the proposed legislation relating to quality of programmes offered in India, use of income from corpus fund, and investment of surplus in generated revenue or the provisions of the University Grants Commission Act, 1956 shall be liable to a penalty of not less than fifteen lakh rupees which may extend to eighty lakh rupees and the forfeiture of the corpus fund in whole or part thereof;

5. The Bill seeks to achieve the above objectives.

NEW DELHI;

RAJU SHETTI

November 12, 2014.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3) OF THE  
CONSTITUTION

[Copy of letter No. 9-7/2014-U. Policy dated 27 January, 2015 from Shrimati Smriti Zubin Irani, Minister of Human Resource Development to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2015 by Shri Raju Shetti, Member of Parliament, recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution, in Lok Sabha.



## FINANCIAL MEMORANDUM

Sub-Clause (2) of clause 9 of the Bill provides that the Central Government shall constitute an Advisory Body to make recommendations to exempt a foreign educational institution from the operation of certain provisions of the legislation to the Central Government.

The Central Government shall incur expenditure on payment of allowances to the distinguished persons nominated on the Advisory Board under item (a) of sub-clause (2) of clause 9 and also incur such other incidental expenses on the conduct of the meetings of the Advisory Board as may be required.

The expenditure to be incurred would depend on the frequency of the meetings of the Advisory Board which is dependent on a number of factors. It is not possible, at this stage, to estimate the expenditure on the conduct of the meetings of the Advisory Board.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) the form and manner in which an application may be made and other particulars including payment of fee under sub-clause (2) of clause 4; (b) the other information required to be published in the prospectus by a foreign education provider under clause (xii) of sub-clause (1) of clause 6; (c) the manner in which notice shall be given under sub-clause (2) of clause 7; (d) the criteria for granting exemption to foreign educational institution under sub-clause (1) of clause 9; (e) the time and place at which the Advisory Board shall meet and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting) to be observed by it under sub-clause (3) of clause 9; and (f) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules by the Central Government.

2. Clause 14 of the Bill empowers the Commission (University Grants Commission) to make, by notification in the Official Gazette, regulations for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such regulations may be made. These matters, *inter alia*, include: (a) the inquiries and the manner of making such inquiries by the Registrar under sub-clause (5) of clause 4; (b) the manner in which a foreign educational institution shall report of its activities under sub-clause (1) of clause 12; and (c) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

3. The rules made by the Central Government under clause 13 and regulations made by the Commission under clause 14 of the Bill, shall be laid, as soon as they are made, before both Houses of Parliament under clause 15 of the Bill.

4. The matters in respect of which rules and regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.



## BILL NO. 135 OF 2014

*A Bill to provide for promotion of two child norm to control population in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Two Child Norm Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and shall remain in force for a period of ten years from the date of its commencement, but its expiry under this sub-section shall not affect—

(a) the previous operation of, or anything duly done including any incentive given, under this Act, or

(b) any penalty or punishment incurred under this Act,

and any investigation, proceeding or remedy in respect of any offence committed under this Act before its expiry may be instituted, continued or enforced after expiry of this Act and penalty or punishment may be imposed as if the Act had not expired.

Short title,  
extent,  
commencement,  
duration and  
savings.

Definition.	<b>2.</b> In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government.
Central Government to encourage small family norm.	<b>3.</b> It shall be the duty of the Central Government to promote, encourage and motivate married couples to opt for small family norm with a view to control the rising population in the country.
No person to have more than two living children.	<b>4.</b> Any person— <div style="margin-left: 40px;">(a) who has two or more than two living children shall not procreate any more living child after a period of one year from the commencement of this Act; and</div> <div style="margin-left: 40px;">(b) who has less than two living children on the date of commencement of this Act, shall not procreate more than two living children.</div>
Incentives.	<b>5.</b> A married couple who has only one living child, and if either of them voluntarily undergoes sterilisation, shall be given following incentives by the appropriate Government— <div style="margin-left: 40px;">(a) free education including higher education to such child;</div> <div style="margin-left: 40px;">(b) suitable employment to such child after he completes his education; and</div> <div style="margin-left: 40px;">(c) such other benefits as may be prescribed by rules made under this Act.</div>
Undertaking by Government employees.	<b>6.</b> (1) Any person who is serving in connection with the affairs of the Union or in any undertaking or organization under the control of the Government, as the case may be, and who has only two children or who has not procreated any child or who is unmarried on the date of commencement of the Act, shall give an undertaking that he shall not procreate more than two living children.  <div style="margin-left: 40px;">(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action as may be determined by the appropriate Government.</div>
Act to have overriding effect.	<b>7.</b> The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.
Power to make rules.	<b>8.</b> (1) The Central Government may, by notification in the official gazette make rules to give effect to provisions of this Act.  <div style="margin-left: 40px;">(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under that rule.</div>

## STATEMENT OF OBJECTS AND REASONS

Rapid increase in population has given rise to a number of socio-economic problems like poverty, shortage of food, housing, employment opportunities and environmental degradation, etc. India is the second most populous country after China. China has been able to control the rapid growth in its population. But we have not been successful in it. Our population has crossed the figure of one hundred crore. If the present trend continues, it will not be possible for us to address our socio-economic problems which have arisen due to increase in population.

Recently, some countries have accused us of being the largest consumer of world's foodgrains and oil seeds which has resulted in worldwide shortage of these commodities and thereby giving a push to inflationary trends in the world.

It is, therefore, imperative that certain effective steps are taken to check this menace because our resources are limited. Despite the existence of various birth control measures and various family planning programmes in force for many years to motivate the people to accept these birth control methods, the problem of population explosion still remains.

The Bill, therefore, seeks to provide for two child norm in a family and promote small family norms in future generation. There is also a provision that this Act shall remain in force for a period of ten years from the date of its commencement.

Hence this Bill.

NEW DELHI;  
*November 12, 2014.*

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for certain incentives like free education, employment, etc. to the children of such couples who adopt small family norm. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 160 OF 2014

*A Bill to provide for protection of children from exploitation, domestic violence, trafficking for prostitution, corporal punishment and kidnapping and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Children Protection Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “child” means a boy or a girl who has not attained the age of eighteen years;

Short title,  
extent and  
commence-  
ment.

Definitions.

(c) “children home” means an institution or home established or certified as such by the appropriate government for the purposes of this Act;

(d) “street children” means children with unknown parentage or abandoned or vagabond children including neglected and destitute children who generally live on pavements or in hutments or slums or at railway platforms or bus stop; and

(e) “prescribed” means prescribed by rules made under this Act.

Rights of a Child.

**3. (1)** Notwithstanding anything contained in any other law for the time being in force, every child shall have the right to—

(a) adequate means of livelihood;

(b) protection and security of life against exploitation and physical and mental violence;

(c) free education and vocational training;

(d) access to means of free and fair development of personality; and

(e) free access to highest standard of health and nutrition.

Annual Survey of street children.

**4.** The appropriate Government shall conduct yearly survey of street children in the area under its jurisdiction.

Establishment of children Homes.

**5. (1)** The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purposes of this Act.

(2) The Children homes established under sub-section (1) shall provide free of cost boarding and lodging and such other facilities to the street children, as may be prescribed.

Setting up of Special Police Posts.

**6. (1)** The appropriate Government shall set up Special Police Posts to deal exclusively with the cases of missing children and crimes against children including exploitation, domestic violence, trafficking for prostitution, corporal punishment, sale or kidnapping.

(2) The number of Special Police Posts shall be set up in accordance with the population of a State and in such manner as may be prescribed.

Maintenance of records.

**7.** The appropriate Government shall maintain a record of complaints regarding the missing, kidnapped and abducted children in the area under its jurisdiction.

Establishment of Special Courts.

**8. (1)** The appropriate Government shall establish such number of Special Courts, as may be necessary, for efficient disposal of cases of crimes against children.

(2) The Special Court shall dispose of a case within a period of six months from the date of filing of the case.

Central Government to provide moneys to the State Governments.

**9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money to the State Governments, as may be necessary for carrying out the purposes of this Act.

Act to have overriding effect.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other laws.

**11.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

**12.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Children are the future of any country. It is the duty of the State to provide a healthy environment to ensure that every child is able to live a dignified life. Unfortunately, in our country there have been numerous cases of ill treatment and exploitation of children. This situation worsens when a child does not have any guardian to take care of him. The gruesome Nithari serial killings case calls for concerted action on the part of the Government to prevent such crime against the children. There is a need for concerted effort to be made by the Government as well as society to have in place a faster action-oriented police machinery, vigilant media and speedy exemplary punishment to the offenders by the Courts to deter the offender from committing offences against children.

The Human Rights Commission in one of its reports have stated that nearly 45,000 children go missing every year in the country. Of these, majority cases missing children remain untraceable for the reason they are either pushed in trafficking or engaged as bonded labour. Therefore, a proper coordination among the Government agencies, police and non-governmental organizations working for protection of children is urgently required in order to tackle the growing crimes against children.

The Bill, therefore, seeks to provide for—

- (i) securing certain basic rights to children;
- (ii) conducting of an yearly survey of homeless and street children;
- (iii) establishment of children homes for homeless and street children with all basic facilities;
- (iv) setting up of Special Police Posts to deal exclusively with the cases of missing children and crimes against children; and
- (v) establish Special Courts for speedy disposal of cases of crimes against children.

Hence this Bill.

NEW DELHI;  
November 12, 2014.

SUPRIYA SULE



#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for an yearly survey of street children. Clause 5 provides for establishment of children homes with all basic facilities for street children. Clause 6 provides for setting up of Special Police Posts to deal exclusively with the cases of crimes against the children. Clause 8 provides for establishment of special courts for speedy disposal of cases of crimes against the children. Clause 9 provides for Central Government to provide moneys to the State Governments for carrying out the purposes of the Bill. The Bill therefore, if enacted will involve expenditure from the consolidated fund of India. It is likely to involve the recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of rupees ten crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 24 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of  
new article  
14A.

**2.** After article 14 of the Constitution, the following article shall be inserted, namely:—

State not to  
discriminate in  
the matters of  
personal laws  
on the ground  
of religion.

“14A. The State shall not discriminate in the matters of personal laws, including but not limited to laws relating to marriage, divorce, succession, guardianship, adoption and maintenance, on the ground of religion.”

Omission of  
article 44.

**3.** Article 44 of the Constitution shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution, in mild diction, persuades the State to secure a uniform civil code for all the citizens. However, despite the fact that a common civil code is considered a desired objective by the very organic law of the country, any semblance of consensus on the issue has eluded us during the sixty-five years of the working of the Constitution. As a result, different civil laws prevail for different religious communities.

Ironically, the Constitution also comprises the principle of equity and equality before law, which, among other things, prohibits the State from discriminating against citizens on the ground of religion. In order to establish equality before law in its true sense, it is necessary that all citizens are subjected to the same civil laws irrespective of their religious persuasions.

The Bill, therefore, seeks to insert a new article 14A with a view to provide that the State shall not discriminate in the matters of personal laws on the ground of religion. The Bill also seeks to omit article 44 of the Constitution.

Hence this Bill.

NEW DELHI;  
*November 19, 2014.*

BHARTRUHARI MAHTAB

## BILL NO. 28 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of a  
new article  
21B.

2. After 21A of the Constitution, the following article shall be inserted, namely:—

Right to  
Privacy.

"21B. (1) Every citizen shall have the right to privacy which shall include privacy in matters of personal life, family, home and interpersonal communication.

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(2) Nothing in clause (1) shall affect the operation of any existing law in so far it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause."

## STATEMENT OF OBJECTS AND REASONS

The Right to Privacy has been recognised as an integral part of Right to Life by the Supreme Court in its various judgments, but the same has not been explicitly reflected in article 21 of the Constitution till date. It is essential that citizens should be guaranteed a Right to Privacy as a Fundamental Right. Moreover, respect for privacy as a right has been recognized in most of the democratic countries. Therefore, Right to Privacy is required to be inserted in the Constitution so that every citizen can enjoy a dignified life without any arbitrary or unlawful interference or intrusion into his personal life or affairs or those of his family.

It is, therefore, proposed to insert a new article 21B in the Constitution with a view to make 'Right to Privacy' as a Fundamental Right of the citizens.

Hence this Bill.

NEW DELHI;  
*November 25, 2014.*

SUSHIL KUMAR SINGH

## BILL NO. 30 OF 2015

*A Bill further to amend the Insurance Act, 1938.*

BE it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

**1.** (1) This Act may be called the Insurance (Amendment) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

4 of 1938.

**2.** In section 2 of the Insurance Act, 1938 (hereinafter referred to as the principal Act), sub-section (7A) shall be re-numbered as sub-section (7B) and before sub-section (7B) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment  
of section 2.

"(7A). "Grievance Redressal Authority" means the Grievance Redressal Authority established under section 101D."

Insertion of  
new Part IVB.

3. After Part IVA, of the principal Act, the following Part shall be inserted, namely:—

"PART IVB

GRIEVANCE REDRESSAL MECHANISM

In-house  
grievance  
redressal  
mechanism.

101D. (1) Every insurer shall set up an in-house grievance redressal mechanism in such manner, as may be prescribed, for disposal of policy related complaints.

(2) The complaint filed through in-house grievance redressal mechanism shall be disposed of within a period of thirty days of its receipt.

(3) Where a complainant is not satisfied with the decision made through in-house grievance redressal mechanism, he may approach the Grievance Redressal Authority for resolution of his dispute within thirty days of the date of such decision.

Establish-  
ment of  
Grievance  
Redressal  
Authority.

101E. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established an Authority to be known as the Grievance Redressal Authority for redressal of policy related grievances.

(2) The head office of the Authority shall be at such place as the Central Government may, by notification in the Official Gazette, specify.

Composition  
of the  
Grievance  
Redressal  
Authority.

101F. The Grievance Redressal Authority shall consist of—

(a) a Chairperson, who is, or has been, a judge of a High Court; and

(b) two members, having proven experience and expertise in insurance industry for not less than fifteen years,

to be appointed by the Central Government.

Tenure of  
Office of  
Chairperson  
and members.

101G. The Chairperson and members of the Grievance Redressal Authority shall hold office for a term of three years from the date of their appointment and shall be eligible for re-appointment:

Provided that no person shall hold office as a Chairperson or a member, as the case may be, after he has attained the age of sixty-five years.

Removal of  
Chairperson or  
a member of  
the Grievance  
Redressal  
Authority.

101H. (1) The Central Government shall remove from office the, Chairperson or any member of the Grievance Redressal Authority, who,—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a Chairperson or a member; or

(c) has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to prejudicially affect his functions; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(2) The Chairperson or a member of the Grievance Redressal Authority shall not be removed under clauses (d) or (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson or a member.



101-I. The salaries and allowances payable to and other terms and conditions of service of the Chairperson and members of the Grievance Redressal Authority shall be such as may be prescribed.

Salary and allowances payable to Chairperson and members.

101J. Notwithstanding anything in this Act or any other law for the time being in force, the Grievance Redressal Authority shall perform the following functions, namely:—

Functions of the Grievance Redressal Authority.

(i) resolution of disputes between a policy holder and an insurer in respect of the following matters,—

(a) any partial or total repudiation of claims by an insurer including delay in settlement of claims;

(b) premium paid or payable in terms of policy;

(c) non-issue of any policy document to policy holder after receipt of premium: and

(d) legal construction of the policies in so far as such dispute relate to claim.

(ii) resolution of disputes between insurer and intermediaries;

(iii) resolution of disputes between the assignees of a policy as to priority of assignment: and

(iv) disposal of complaints on such other matters as the Grievance Redressal Authority may deem appropriate for the purposes of this Act.

101K. The Grievance Redressal Authority shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

Powers of Grievance Redressal Authority.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any office;

(e) issuing commissions for examination of witnesses or document; or

(f) any other matter which may be prescribed.

101L. (1) Any person, who has a grievance against an insurer, may himself or through his legal heir make a complaint in writing to the Grievance Redressal Authority in such manner as may be prescribed.

Complaint against insurer.

(2) The Grievance Redressal Authority shall dispose of the complaint within a period of ninety days of its receipt.

101M. Any person, aggrieved by the decision of the Grievance Redressal Authority, may, within sixty days from the date of receipt of such decision, prefer an appeal to the High Court.”.

Appeal.

## STATEMENT OF OBJECTS AND REASONS

To deal with the complaints of the policy holders, the existing system of Ombudsman under the Redressal of Public Grievances Rules, 1998, has not been found satisfactory. The remedy under the Consumer Protection Act, 1986 has also not proved to be effective as a large number of cases are still pending. Therefore, a Grievance Redressal Authority is required to be established to deal with and resolve the disputes between the insured and the insurer; between the insurer and the intermediaries and between insurer and insurer.

Hence this Bill.

NEW DELHI;  
November 25, 2014.

SUSHIL KUMAR SINGH

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a Grievance Redressal Authority by the Central Government. It also provides for payment of salaries and allowances to the Chairperson and members of the Grievance Redressal Authority.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert, *inter alia*, sections 101D, 101H and 101K in the Insurance Act, 1938. Proposed section 101D provides for setting up of an in-house grievance redressal mechanism by every insurer in such manner, as may be prescribed. Proposed section 101H provides that the Central Government, may, by rules regulate the procedure for investigation of misbehaviour or incapacity of the Chairperson or a member. Proposed section 101K provides that the Grievance Redressal Authority, for the purpose of discharging its functions, shall have the same powers as are vested in the Civil Court in respect of matters like summoning and enforcing of attendance of any person, etc. and such other matters as may be prescribed by rules made under the Insurance Act, 1938.

The matters in respect of which rules may be made are generally matters of administrative detail and procedure and it is not possible to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 33 OF 2015

*A Bill further to amend the Code of Civil Procedure, 1908.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2015.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In the First Schedule to the Code of Civil Procedure, 1908, in Order XXI,—

Amendment  
of Order  
XXI.

(i) in rule 1, in sub-rule (3), clause (d) shall be omitted;

(ii) in rule 6, clause (c) shall be omitted;

(iii) in rule 7, the words “order for execution, or of” shall be omitted;

(iv) rule 10 shall be omitted;

Preparation  
of execution  
order.

(v) after rule 10, the following rule shall be inserted, namely:—

“10A. (1) Every endeavour shall be made to ensure that the execution order is drawn up as expeditiously as possible and, in any case, within the time limit as prescribed in the judgement:

Provided that passing of judgement and decree shall be sufficient for the preparation of execution order and a separate application by parties shall not be necessary except for the provisions of rules 4, 15, 16 and 18.

(2) The execution order shall bear the date of pronouncement of the judgement.

(3) The execution order shall be signed by the judge only after he is satisfied that the order has been drawn up in accordance with the judgement.”.

(vi) in rule 11, sub-rules (2) and (3) shall be omitted;

(vii) rule 17 shall be omitted;

(viii) in rule 22, in sub-rule (1), for the words “application for execution” and the word “application”, wherever they occur, the words, “order for execution” and the word “order”, respectively, shall be substituted;

(ix) in rule 26, in sub-rule (1), the words, “or if application for execution had been made thereto” shall be omitted;

(x) in rule 37, in sub-rule (1), the words “an application is for the” and “in pursuance of the application” shall be omitted;

(xi) in rule 41, in sub-rule (3), for the words “not exceeding three months”, the words “which shall not be less than one year but which may extend upto three years” shall be substituted;

(xii) in rule 46C, in the proviso, for the words “execution case”, the words “execution of the case” shall be substituted;

(xiii) in rule 57, in sub-rule (1), the words “the application for” shall be omitted;  
and

(xiv) in rule 92, in sub-rule (5), the word “proceeding” shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

In light of the vast number of cases that are pending with the Indian courts, there is an urgent need to dispense with procedures that unnecessarily prolong litigation. The objective is to streamline legal processes in the interest of speedy and fair justice to the parties involved. This Bill seeks to remove cumbersome steps involved in the execution of a judgement of the court by the judgement-debtor without delay.

The Code of Civil Procedure as it stands now allows a decree-holder to make a separate application for executing a judgement after a judgement and decree has already been passed. The question that naturally arises is why is there a need for a decree-holder to file an execution suit over and above a clear judgement and decree.

The force of law should be adequately placed within such judgement and decree, and there should be no room for a judgement-debtor to parry or complacently disobey the orders of the courts. As such, defaulting parties should be penalised without allowing another opportunity for prolonging legal affairs in the form of execution proceedings.

The Bill, therefore, seeks to remove the need for a separate application for execution and places execution orders in continuation of the judgement and decree process.

However, only in certain cases of complex nature like Transfer to Court of Small Causes (Rule 4), Application for execution by joint decree holders (Rule 15) and Execution in case of cross decrees (Rule 18), the provision for a separate application has been retained in the Code.

Hence this Bill.

NEW DELHI;

MEENAKASHILEKHI

*November 26, 2014.*

## BILL NO. 6 OF 2015

*A Bill to provide for establishment of a permanent Bench of the High Court at Bhopal.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** (1) This Act may be called the High Court of Madhya Pradesh (Establishment of a Permanent Bench at Bhopal) Act, 2015.

Establishment of a Permanent Bench of High Court of Madhya Pradesh at Bhopal.

**2.** There shall be established a permanent Bench of the High Court of Madhya Pradesh at Bhopal and such Judges of the High Court at Madhya Pradesh, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bhopal in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bhopal, Raisen, Rajgarh, Sehore, Vidisha, Betul, Harda and Hoshangabad.

## STATEMENT OF OBJECTS AND REASONS

Bhopal is the capital of Madhya Pradesh. However, the High Court of the State is located at Jabalpur. Madhya Pradesh being a vast State, people face a lot of inconvenience to travel long distances to reach the High Court to pursue their cases. This is time consuming and also expensive. There has been a long pending demand from the people of the State for establishing a Bench of the High Court at the capital of the State.

If a Bench of the High Court is established at Bhopal, it would greatly help the people belonging to Bhopal, Raisen, Rajgarh, Sehore, Vidisha, Betul, Harda and Hoshangabad districts to effectively pursue their cases.

Hence this Bill.

NEW DELHI;  
*December 2, 2014.*

ALOK SANJAR

## BILL NO. 21 OF 2015

*A Bill to provide for the welfare of domestic workers, regulation of conditions of their employment and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Domestic Workers (Welfare and Regulation of Employment) Act, 2015.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "domestic work" includes household chores, child care, personal care or any other job connected with household work;

(c) "domestic worker" means a person employed in a household for domestic work;

(d) "employer" means a person who has employed a domestic worker in his household;

(e) "placement agency" means an agency engaged in providing domestic workers for employment in households;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "wages" means any monetary remuneration paid by the employer but does not include any contribution made by the employer to any provident fund, pension fund or other social security schemes.

**3.** Every placement agency shall, within three months of the coming into force of this Act, register itself with the appropriate Government, in such manner, as may be prescribed.

Registration of placement agencies.

**4.** Every domestic worker shall be entitled to such minimum wages, as may be notified in the Official Gazette by the appropriate Government, from time to time.

Minimum wages.

**5.** (1) No employer shall put any domestic worker to work for more than—

Regulation of working hours.

(i) nine hours in a day;

(ii) fifty hours in a week; and

(iii) four consecutive hours in a day.

(2) Notwithstanding anything in sub-section (1), the domestic worker may, owing to reasonable requirements in a household, agree to work for more than fifty hours in a week, and, in such a case, he shall be paid such overtime, being not less than twice the normal wage rate per hour, as may be prescribed, for each additional hour of work.

(3) Every domestic worker shall be entitled to—

(i) one hour of rest after every four hours of consecutive work;

(ii) one hour for taking meals;

(iii) one holiday per week;

(iv) holidays on such occasions, as may be specified by the appropriate Government; and

(v) fifteen days of paid leave in a year.

(4) Every employer shall provide such reasonable working conditions and other facilities to the domestic worker as may be prescribed.

**6.** Every employer shall enter into an agreement setting therein such conditions, as may be prescribed, with the domestic worker and such agreement shall be registered with the appropriate Government, in such manner, as may be prescribed.

Registration of employment agreement.

**7.** Every placement agency shall—

Duties of placement agencies.

(i) maintain proper record of every person deployed by it as a domestic worker with such details as may be prescribed; and

(ii) forward the details maintained under clause (i) to the appropriate Government every month in such manner, as may be prescribed.

Enrolment of domestic workers in pension scheme.

**8.** (1) Every employer shall, within three months of the coming into force of this Act, get the domestic worker employed by him registered as a member of the New Pension Scheme or such other pension scheme, as may be prescribed.

(2) The employer shall contribute not less than ten per cent. of the monthly wages payable to the domestic worker every month to such Pension Fund.

Penalty.

**9.** Any employer, who contravenes the provision of this Act, shall be punished with a fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees.

Act to have overriding effect.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

**11.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

### STATEMENT OF OBJECTS AND REASONS

Domestic workers constitute a workforce which has largely remained in the unorganized sector. As a result, domestic workers have often been subjected to unequal treatment *vis-a-vis* their industrial counterparts, such as excessive working hours, inadequate wages and lack of social security. Of late, there have been incidents of illegal confinement and even violence against domestic workers. The lack of any regulatory framework in this area has often been blamed for the problems afflicting domestic workers. It, therefore, becomes necessary that a suitable legal framework is put in place, which not only defines the employer-employee relationship but also provides certain safeguards to the domestic workers.

2. In view of the above, the Bill seeks to provide for—

(a) regulation of working hours, leave, pension and other working conditions of domestic workers;

(b) registration of placement agencies engaged in deploying domestic workers and requiring them to maintain and furnish the details of domestic workers to the Government;

(c) compulsory registration of domestic workers under the New Pension Scheme or any other approved pension scheme to provide social security to such workers; and

(d) making of agreement by the employer with the domestic worker and registration of such agreement.

Hence this Bill.

NEW DELHI;  
December 5, 2014.

BHARTRUHARI MAHTAB

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### FINANCIAL MEMORANDUM

Clause 8 of the Bill provides that every employer shall enroll the domestic worker employed by him in the New Pension Scheme or such other pension scheme as may be prescribed by the appropriate Government. Some expenditure may be incurred on account of enrolment of domestic workers in the New Pension Scheme or other such schemes. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved. However, it is estimated that a recurring expenditure of about rupees ten crore will be incurred per annum.

A non-recurring expenditure of rupees one crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 3 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.

Insertion of  
new article  
21B.

2. After article 21A of the Constitution, the following article shall be inserted,—

“21B. (1) Every citizen shall have the right to shelter in such manner as the State may, by law, determine.

(2) Nothing in clause (1) shall prevent the State from making any provision for fixing criteria for allotment of houses to the citizens.

(3) Nothing in this article shall prevent the State from making any special housing schemes for senior citizens, physically challenged persons, persons belonging to the scheduled castes, and scheduled tribes, other backward classes, divorced women and other weaker sections of the society.

*Explanation.*—For the purpose of this article, “shelter” means a dwelling unit with all basic civic amenities.”.

## STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, crores of citizens are still homeless. They have to suffer the elements in all its fury—be it winter, summer or rainy season. The problem of homelessness is increasing day-by-day both in rural and urban areas. Population explosion and other social and economic factors are the major reasons for housing shortage in the country. Due to acute shortage of houses in the country, lakhs of poor people are forced to live on the pavements, footpaths, bus shelters, under flyovers and bridges, as they cannot afford houses of their own. Crores of people are living in Jhuggi and Jhopris, kutcha and semi-pucca houses which lack basic facilities like sanitation, electricity, clean water, etc. Shelter is one of the basic human needs. It is necessary that the Government should come forward to ensure adequate housing for homeless citizens not only because it is their right, but, because it is an investment that would guarantee a healthy and satisfied citizens.

The Supreme Court has recognized the right to housing by bringing it within the ambit of right to life. At the same time, housing right has been recognized and reaffirmed in all international and regional covenants, which have been ratified by our country. Hence, the Central and State Governments are under legal obligation to provide adequate housing to the millions of people who are living in absolute homelessness. Therefore, it has become more necessary to incorporate right to shelter as a fundamental right in the Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;  
December 17, 2014.

JANARDAN SINGH 'SIGRIWAL'

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for incorporation of right to shelter in the Fundamental Rights of the citizens. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact amount of expenditure to be involved. However, it is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

## BILL NO. 2 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.Amendment  
of the Eighth  
Schedule.**2.** In the Eighth Schedule to the Constitution,—

(i) existing entries 3 to 9 shall be re-numbered as entries 4 to 10, respectively, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

"3. Bhojpuri.";

(ii) after entry 10 as so re-numbered, the following entry shall be inserted, namely:—

"11. Magahi.";

(iii) entries 10 to 22 shall be re-numbered as entries 12 to 24, respectively.

## STATEMENT OF OBJECTS AND REASONS

Language is not only a medium of communication but also a sign of respect. Language also reflects on the history, culture, people, system of governance, ecology, politics, etc. 'Bhojpuri' language is also known as Bhojpuri, Bihari, Deswali and Khotla and is a member of the Bihari group of the Indo-Aryan branch of the Indo-European language family and is closely related to Magahi and Maithili languages.

Bhojpuri language is spoken in many parts of north-central and eastern regions of this country. It is particularly spoken in the western part of the State of Bihar, north-western part of Jharkhand and the Purvanchal region of Uttar Pradesh. Many Bhojpuri magazine and newspapers are published in the States of Bihar and Uttar Pradesh. Bhojpuri language is spoken by over 40 million people in the country. As per the Census 2001, a total of 3,30,99,497 persons in the country have mentioned Bhojpuri as their Mother Tongue.

The prosperity of a society is earmarked by its linguistic heritage. If one goes through the history of Bhojpuri language, it dates back to seventh century. Due to a long history of emigration from the Bhojpuri regions, this language has spread over all continents of the world. It is also one of the national languages of Fiji spoken as 'Fiji Hindi'.

Bhojpuri culture is popular even in countries like Nepal, Mauritius, Sri Lanka, Thailand, England and Greece. In about twenty countries across the world, fifteen to sixty-five per cent. of the population is Bhojpuri speaking. In Nepal, Bhojpuri is spoken by over two million people. Bhojpuri is also spoken by over four lakh people in Mauritius.

Variants of Bhojpuri are spoken by descendants of Bhojpuri-speaking plantation workers in several countries like Guyana, Suriname, Fiji, Trinidad and Tobago.

In addition to Bhojpuri, 'Magahi' is one of the prominent language spoken by millions in the eastern part of India specially in various districts of the States of Bihar, Jharkhand, Odisha and West Bengal. The language carries the rich cultural heritage and traditions of the people residing in these areas. Research has shown that it is being spoken since Mauryan era. Because of onslaught of English and *Khari Boli*, the future of this language appears to be flattened. It is, therefore, the duty of the Government to protect this language, being an important part of our heritage.

In view of above, in order to promote, integrate and empower 'Bhojpuri' and 'Magahi' languages and to protect the culture and traditions of the speakers of these languages and also taking into consideration importance of these languages, it is necessary that these languages be given their due recognition by including them in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;  
December 17, 2014.

JANARDAN SINGH 'SIGRIWAL'

## BILL NO. 8 OF 2015

*A Bill to provide for special financial assistance to the State of Uttarakhand for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens and for the development, exploitation and proper utilization of its resources.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Special Financial Assistance to the State of Uttarakhand Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special  
financial  
assistance to  
the State of  
Uttarakhand.

**2.** There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Uttarakhand to meet the cost of such schemes of development, as may be undertaken by the State with the approval of the Union Government for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens and for the development, proper utilization and exploitation of the resources in the State.

Act not in  
derogation of  
other law.

**3.** The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament for the time being in force.



## STATEMENT OF OBJECTS AND REASONS

The State of Uttarakhand is socially and economically backward. Problems of poverty, unemployment and illiteracy are required to be addressed immediately. Besides measures for proper utilization of resources, welfare of weaker sections and initiating new development schemes are required to be undertaken to solve the problem of backwardness in the State, in a time bound manner. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Uttarakhand for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to the State of Uttarakhand would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;  
*December 18, 2014.*

B C KHANDURI

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Uttarakhand to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Central Government.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Uttarakhand. As the sums of moneys which will be given to the State of Uttarakhand as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Central Government are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

## BILL NO. 16 OF 2015

*A Bill to provide for proper handling and disposal of electronic waste being generated by discarded electronic devices by prescribing norms and fixing responsibilities and duties on manufacturers, re-cyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.*

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill effects of non-biodegradable electronic waste;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Electronic Waste (Handling and Disposal) Act, 2015.
- (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "consumer" means a person using products capable of generating electronic waste;

(c) "disposal" means disposal of electronic waste according to prescribed norms to prevent contamination of ground water, surface water, ambient air quality and harmful effect on human health;

(d) "electronic waste" means waste generated from discarded television, personal computer, floppy, audio-video CD, battery, cell phone, refrigerator, air conditioner, electronic toys, telephone, washing machine, electronic switch and such other products;

(e) "operator" means a person or establishment owning or operating a facility for collection, transportation and disposal of electronic waste;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "re-cycler" means any person or establishment engaged in re-cycling or re-processing of used electronic equipment or assembly of their component;

(h) "storage" means the temporary containment of electronic waste in a manner so as to prevent its littering and hazardous effects on human being; and

(i) "transportation" means carrying of electronic waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effects on human being.

**3.** (1) The Central Government shall, in consultation with Central Pollution Control Board, prescribe the compliance criteria and procedure for handling and disposal of electronic waste.

Compliance criteria and procedure for disposal of electronic waste.

(2) The Central Pollution Control Board shall monitor the implementation of the compliance criteria and procedure for handling and disposal of electronic waste.

**4.** (1) The appropriate Government shall ensure that all the electronic waste generated within its territorial jurisdiction is handled and disposed of in accordance with compliance criteria and procedure prescribed under sub-section (1) of section 3.

Appropriate Government to ensure disposal of electronic waste.

(2) The appropriate Government shall provide infrastructure facilities for collection, storage, transportation and disposal of electronic waste.

(3) The appropriate Government may after due authorization, permit any operator to collect, transport and dispose of the electronic waste in such manner as may be prescribed.

**5.** It shall be the duty of every manufacturer,—

Duty of manufacturer.

(i) to ensure that every electronic product offered for sale in the Market contains—

(a) the procedure for its handling and disposal; and

(b) the information about the parts which can be re-cycled and which cannot be re-cycled;

(ii) to set-up adequate number of collection centres for the hazardous electronic waste; and

(iii) to create public awareness through advertisements, publications and other electronic media about the hazardous substances in their products which may cause ill effects on human body.

Duty of consumer.	<b>6.</b> It shall be the duty of every consumer to ensure that the electronic waste is not disposed of in any manner except in the manner prescribed for the purpose.
Registration and responsibility of re-cycler.	<b>7.</b> (1) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed. (2) Every re-cycler shall re-cycle only those parts of an electronic product which have been marked as re-cyclable by the manufacturer.
Penalty.	<b>8.</b> Whoever violates the provisions of this Act or the rules made thereunder shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to five lakh rupees.
Offence by a company.	<b>9.</b> Where any of the provisions of this Act or of any rule made thereunder is contravened by a company, every person who, at the time of contravention, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be deemed to be guilty of commission of an offence under this Act and shall be liable to be proceeded against and punished accordingly:  Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.  <i>Explanation.</i> —For the purpose of this section "company" means anybody corporate and includes a firm or other association of individuals.
Act to have overriding effect.	<b>10.</b> The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
Power to make rules.	<b>11.</b> (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Electronic goods have become the household articles today. Every home has not one but a number of electronic products. Once these electronic products become obsolete or discarded, they are either thrown in the garbage bin or sold as scrap. The scrap dealers dismantle these gadgets and keep what is `useful and rest of it is rendered into garbage which is then thrown in the landfills. This, of course, is not the proper way of disposal of electronic waste. In this way millions of tonnes of electronic waste is generated in various metropolitan cities of the country. A number of components in these electronic products are hazardous and should be disposed of in a manner that does not harm the environment. Many of these products contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements cause serious health problems to the persons handling electronic waste and also damage the environment.

In various countries, there are laws for proper disposal of electronic waste and the procedure for disposal is also displayed on the product. It is also indicated on the product what can be re-cycled and what cannot be re-cycled. But, in our country disposal of electronic waste is nobody's responsibility. As of now, there is no law for the disposal of electronic waste and no account is being maintained as how much electronic waste is being generated and how much of it is being disposed of. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

NEW DELHI;  
December 23, 2014.

B C KHANDURI

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall provide infrastructure facilities for collection, storage, transportation and disposal of electronic waste. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may also have to provide some financial assistance to the States for this purpose. Also, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 9 OF 2015

*A Bill further to amend the Food Safety and Standards Act, 2006.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Food Safety and Standards (Amendment) Act, 2015.

Insertion of new section 56A.

2. After section 56 of the Food Safety and Standards Act, 2006, the following new section shall be inserted, namely:— 34 of 2006.

Penalty for selling adulterated milk or milk products.

“56A. Notwithstanding anything in this Chapter, any person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes milk or milk products which is adulterated and unsafe or injurious to health shall be punished with imprisonment for life.”

## STATEMENT OF OBJECTS AND REASONS

In the recent years, cases of adulteration of milk are rampant in the country. The demand for milk and its products increases manifold particularly during festival season. In order to earn quick money some people resort to all sorts of adulteration of milk and its products. However, the penalty of a maximum of rupees five lakh provided under the Food Safety and Standards Act, 2006 for manufacturing, selling or distributing adulterated milk or its products does not commensurate with the seriousness of the offence. Therefore, this penalty of rupees five lakh does not act as deterrent. The adulterators put the life of so many people at risk. Even the Supreme Court has observed that adulterators of milk should be given a stringent and exemplary punishment.

The Bill, therefore, seeks to amend the Food Safety and Standards Act, 2006 with a view to provide stringent punishment for manufacturing, distributing or selling of adulterated milk and its products in order to put a check on the increasing cases of adulteration of milk and its products in the country.

Hence this Bill.

NEW DELHI;  
*December 12, 2014.*

C.R. PATIL

## BILL NO. 29 OF 2015

*A Bill to provide for free and compulsory education from primary to intermediate level to disabled and needy children and for matter connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Free and Compulsory Education for Disabled and Needy Children Act, 2015.

(2) It extends to the whole of India.



(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) “child” means a male or a female who has not attained the age of eighteen years;

(c) “disabled and needy child” means a child who requires special treatment or attention because of physical impairment or monetary constraints;

(d) “education” means the education from primary level to the intermediate level; and

(e) “prescribed” means prescribed by rules made under this Act.

**3.** The appropriate Government shall provide free and compulsory education to every disabled and needy child.

Free and compulsory education to disabled and needy child.

*Explanation.*— For the purpose of this section “free education” includes:—

(a) any fee including admission and tuition fee;

(b) books, note-books and stationery materials free of cost;

(c) free hostel facility wherever necessary; and

(d) scholarships, in such cases, as may be prescribed.

**4.** The appropriate Government shall establish at least one school in each area having a population of one thousand people.

Appropriate Government to establish schools.

**5.** The Central Government shall, after due appropriation made by Parliament, by law in this behalf, provide adequate funds to the State Governments for effective implementation of the provisions of this Act.

Central Government to provide adequate funds to the State Governments.

**6.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of any other law.

**7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

According to article 45 of the Constitution, it is the duty of the State Government to provide free and compulsory education to every child till he attains the age of fourteen years. Even though the Government has taken many steps in this direction, yet, they are insufficient. Even after sixty-seven years of independence, we are not able to provide education to all children. Moreover, our education system is too costly for the disabled and needy children.

Hence, it is necessary to provide free and compulsory education upto the intermediate level including free meal, uniform, books and scholarships to the disabled, poor and needy children in order to encourage their parents to send their children to the schools.

Hence this Bill.

NEW DELHI;  
*December 18, 2014.*

GOPAL CHINAYYA SHETTY

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education to every disabled and needy child. Clause 4 provides for establishment of a school in each area having a population of one thousand people. Clause 5 provides for providing of adequate funds to the State Governments for effective implementation of the provisions of the Act. The expenditure in respect of schools to be established in the States will be met from the Consolidated Funds of the respective States. However, some financial assistance may have to be provided to the State Governments by the Central Government in this regard. The expenditure to be incurred in respect of schools to be established in Union territories will be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty-five crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees thirty-five crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 27 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.
2. After article 21A of the Constitution, the following article shall be inserted, namely:—

“21B. Every citizen shall have the right to safe and adequate quantity of drinking water at a convenient place at regular intervals.”.

Short title.

Insertion of  
new article  
21B.

Right to safe  
and adequate  
drinking water.

## STATEMENT OF OBJECTS AND REASONS

Basic requirement for human life is food, cloth, shelter and safe drinking water. As many people in our country are poor, it is the duty of the Government to provide basic facilities to the citizens. At the same time, India, being a vast country with a large population, it is not possible to fulfil all basic needs of every citizen. Nevertheless, a beginning can be made by providing at least safe drinking water to the citizens. Presently, drinking water is not easily available to most of the population. People have to go to remote places to fetch water which is generally not potable.

In view of the above, it is proposed to make it mandatory for the State to provide safe drinking water to all the citizens.

Hence this Bill.

NEW DELHI;  
*December 18, 2014.*

GOPALCHINAYYASHETTY

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FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21B to the Constitution, with a view to making the right to safe and adequate drinking water a fundamental right of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees two hundred crores will be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL NO. 10 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

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|--|--|
| 1. This Act may be called the Constitution (Amendment) Act, 2015.  | Short title.   |
| 2. In the Preamble to the Constitution, for the word “India”, the word “Hindustan” shall be substituted.   | Amendment of the Preamble.                           |
| 3. In article 1 of the Constitution, for clause (1), the following clause shall be substituted, namely:—<br>“(1) Hindustan shall be a Union of States.”. | Amendment of article 1.                              |
| 4. Throughout the Constitution, for the word “India”, wherever it occurs, the word “Hindustan” shall be substituted.                                     | Substitution of reference to ‘India’ by ‘Hindustan’. |

## STATEMENT OF OBJECTS AND REASONS

Article 1 of the Constitution provides that “India, that is Bharat” shall be a Union of States comprising of the States and the Union territories. Since centuries, our ancient motherland used to be known as Bharat. The then foreign rulers, the imperialist British named the country as “India”. The common man of our country know it by the name “Hindustan”. The legendary Urdu poet Iqbal has also used the word “Hindustan” for our motherland in his famous and lyrical poem “*Sare Jahan Se Achchha*”.

Some Public Undertakings/Enterprises are also using the word “Hindustan” in their names *e.g.* Hindustan Petroleum Corporation Ltd., Hindustan Shipyard, Hindustan Antibiotics and Hindustan Aeronautics Ltd. are some of such undertakings. Being a Sovereign, Socialist, Secular and Democratic Republic, it would be appropriate if we rename our republic as “Hindustan”. The Bill seeks to achieve the objective by making amendment to the Constitution for this purpose.

Hence this Bill.

NEW DELHI;  
*December, 18, 2014.*

GOPAL CHINAYYA SHETTY

## BILL NO. 35 OF 2015

*A Bill to provide for special financial assistance to the State of Andhra Pradesh for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Sections of citizens, developing a new capital city at Vijayawada for the State of Andhra Pradesh and for the development, exploitation and proper utilization of its resources.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Andhra Pradesh Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Andhra Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government for the purpose of:—

Special financial assistance to the State of Andhra Pradesh.

(i) provide welfare measures for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of citizens;

(ii) developing a new capital city at Vijayawada; and

(iii) development, exploitation and proper utilization and exploitation of the resources in the State.

3. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of other laws.

## STATEMENT OF OBJECTS AND REASONS

With the enactment of the Andhra Pradesh Reorganisation Act, 2014, Hyderabad has been declared common capital for the States of Andhra Pradesh and Telangana for a period of five years from the commencement of the Act. Owing to bifurcation of the State of Andhra Pradesh into Andhra Pradesh and Telangana States, the present State of Andhra Pradesh has suffered a loss in its share of revenue and is facing severe financial problems. The recent occurrence of Hudhud cyclone in and around Visakhapatnam and its neighbouring districts of Srikakulam and Vizianagaram, has resulted in loss of property worth rupees seventy thousand crores approximately. Unless the Central Government comes forward and support financially, it would be very difficult for the State of Andhra Pradesh to come out from the financial debt. During passage of the Andhra Pradesh Reorganisation Bill, 2014, the government had assured that a special category will be accorded to the State of Andhra Pradesh for five years. However, conferring of Special Status to the State of Andhra Pradesh is still awaited. Therefore, releasing of financial assistance promised to the State of Andhra Pradesh is the need of the hour.

Vijayawada has been identified as the new capital city for the present State of Andhra Pradesh and for the development of Vijayawada as capital city huge funds are required from the Central Government. The State of Andhra Pradesh is socially and economically backward. Problems of poverty, unemployment and illiteracy are required to be addressed urgently. Also, measures for proper utilization of resources, welfare of weaker sections in the region and initiation of new development schemes need to be taken in a time bound manner. It is, therefore, necessary that the Central Government should provide appropriate special financial assistance to the State of Andhra Pradesh immediately for its all-round development including the welfare of weaker sections and development and exploitation of its vast resources. Such a step of providing financial assistance to the State of Andhra Pradesh would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;  
*December 22, 2014.*

MURALI MOHAN MAGANTI

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Andhra Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government.

The Bill, therefore, on enactment, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of West Bengal as special financial assistance will be known only after the welfare schemes to be implemented by the State Government with the approval of Union Government are identified, it is not possible to give at this stage the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.



## BILL NO. 25 OF 2015

*A Bill to provide for reservation and compulsory display of seats for the children belonging to the Scheduled Castes and the Scheduled Tribes for admission in educational institutions and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Children Belonging to the Scheduled Castes and the Scheduled Tribes (Reservation and Compulsory Display of Seats by Educational Institutions) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "educational institution" means a Government school or a Government aided school or a private school or an institution, by whatever name called, offering education upto primary or secondary or senior secondary level; and

(iii) "prescribed" means prescribed by rules made under this Act.

Reservation of seats for children belonging to the Scheduled Castes and the Scheduled Tribes.

**3.** There shall be reserved such number of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes in every educational institution, as the appropriate Government may, by notification in the Official Gazette, specify.

Compulsory display of seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.

**4.** (1) Every educational institution shall compulsory display the seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.

(2) The seats reserved under sub-section (1) shall be displayed outside the main gate and at every exit of the institution in such manner as may be prescribed.

(3) No child belonging to the Scheduled Caste or the Scheduled Tribe, if he fulfills the eligibility conditions prescribed for admission of children of such community, shall be denied admission on any other ground.

Penalty.

**5.** If any educational institution violates the provisions of this Act, the head or the chairperson of the management of such institution, as the case may be, by whatever name called, shall be subject to such disciplinary action as may be prescribed and shall also be liable to a fine which shall not be less than fifty thousand rupees.

Power to remove difficulties.

**6.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry or a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

**7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act not to apply to minority educational institutions.

**8.** (1) The provisions of this Act shall not apply to minority educational institutions.

(2) Nothing in sub-section (1) shall prevent a minority educational institution in extending the provisions of this Act to such institution voluntarily.

Power to make rules.

**9.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

It has been observed that the children belonging to the Scheduled Castes and the Scheduled Tribes are denied admission in the schools and other institutions for reasons of non-availability of seats. In spite of various measures taken by the Government from time to time to ensure that no child belonging to the Scheduled Castes and the Scheduled Tribes is denied admission in schools or institutions, a number of students are left out from admission process for several reasons. It has, therefore, become necessary that a legislation be brought forward to provide for statutory reservation of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes and to fix the responsibility of the head of the school or institution concerned to display these reserved seats to facilitate admission of such children in a transparent manner. In case, the head of the school or institution or the chairperson of the management of the school fails to display the seats reserved in each class or denies admission to such eligible children, disciplinary action may be initiated against him in addition to a fine of not less than rupees fifty thousand.

Hence this Bill.

NEW DELHI;  
*December, 23, 2014.*

SADASHIV LOKHANDE

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill, As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 5 OF 2015

*A Bill to provide for prohibition on religious conversions by inducement or by force and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and extent.

**1.** (1) This Act may be called the Prohibition on Religious Conversion (by Inducement or Force) Act, 2015.

(2) It extends to the whole of India.

Prohibition on religious conversion.

**2.** No person or institution shall encourage or cause to encourage any person or group of persons to convert religion by inducement or by force.

*Explanation.*—For the purposes of this section, “inducement” includes giving or offering or promising to give cash, imparting free education or giving employment, shelter, food or clothes free of cost.

- 3.** This Act shall not apply to a person who voluntarily converts to another religion or reconverts to his original religion. Act not to apply in case of voluntary conversion.
- 4.** (1) Whoever violates the provisions of this Act shall be punished with rigorous imprisonment for a term which shall not be less than ten years and a fine which shall not be less than rupees one lakh. Punishment.
- (2) If any institution or organisation violates the provisions of this Act, the person in charge of the affairs of the organisation or institution, as the case may be, by whatever name called, shall be subject to punishment as provided under sub-section (1) and the registration of that organisation or institution under any law for the time being in force shall be cancelled forthwith.
- 5.** Notwithstanding anything contained in any other law for the time being in force, no person or organisation violating the provisions of this Act shall be allowed to accept any donation or contribution of any kind from within the country or abroad. Prohibition on accepting donation or contribution.
- 6.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Religious conversion is the order of the day. Inducement of all types is offered and sometimes promise to offer certain things is given. Certain organisations indulge themselves in encouraging conversion through all ways and means and funds received from abroad and within the country are put to use for these purposes.

In many parts of the country, it has been witnessed that conversion has been taking place through force. Forced or induced conversion should be stopped. It is, therefore, proposed in the Bill to prohibit conversion through force or inducement. However, a provision has been made for enabling voluntary conversion.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*December 23, 2014.*

SADASHIV LOKHANDE

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules are relating to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 22 OF 2015

*A Bill to provide for compulsory notification and filling up of vacancies reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes in services and posts under the Central Government and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Scheduled Castes and Scheduled Tribes (Compulsory Notification and Filling up of Reserved Vacancies) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(i) "appointing authority" means the authority empowered to make appointment in relation to a service or a post in the offices under the Central Government and includes all establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

(ii) "prescribed" means prescribed by rules made under this Act; and

(iii) "vacancy" means vacancy in a service or a post reserved for the Scheduled Castes or the Scheduled Tribes in the offices under the Central Government or in establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

Compulsory notification of vacancies reserved for the Scheduled Castes and the Scheduled Tribes.

**3.** (1) Every appointing Authority shall, within one month of the existence of a vacancy, compulsorily notify that vacancy.

(2) The vacancies referred to in sub-section (1),—

(a) besides being notified by the Employment Exchange, shall also be notified in such newspapers, including vernacular newspapers, as may be prescribed; and

(b) shall be given wide publicity on State run and other media channels.

Compulsory filling of vacancies reserved for the Scheduled Castes and the Scheduled Tribes.

**4.** (1) Every vacancy notified under section 3 shall be filled within six months from the date of notification.

(2) Every unfilled vacancy shall be carried forward till such vacancy is filled and in no case shall be dereserved.

Penalty.

**5.** Where any person responsible for implementing the provisions of the Act, intentionally contravenes any of the provisions thereof, he shall be subject to such disciplinary action as may be prescribed and shall also be liable to fine which shall not be less than of rupees fifty thousand.

Power to remove difficulties.

**6.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

**7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

**8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government including special drive launched to fill the vacancies reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, it has been observed that the vacancies meant for these persons remain unfilled and after some attempts, vacancies are dereserved on the ground that eligible candidates are not available to fill the vacancies. It has, therefore, become necessary that legislation should be brought forward to fix the responsibility of the appointing authority and the officer concerned to take steps from time to time to compulsorily notify and fill the vacant posts meant for the persons belonging to the Scheduled Castes and the Scheduled Tribes. In case, the officer responsible fails to take steps to fill the vacancy within a reasonable time, disciplinary action may be initiated against such officer in addition to a fine of rupees fifty thousand.

Hence this Bill.

NEW DELHI;  
*December 23, 2014.*

SADASHIV LOKHANDE

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory notification and publicity of vacancies reserved for the Scheduled Castes and the Scheduled Tribes. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved per annum.

No non-recurring expenditure will be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 34 OF 2015

*A Bill further to amend the Central Universities Act, 2009.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called as the Central Universities (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 3.

2. In the Central Universities Act, 2009 (hereinafter referred to as the principal Act), in section 3,—

(a) in sub-section (1),—

(i) for the words ‘and Doctor Harisingh Gour Vishwavidyalaya in the State of Madhya Pradesh’, the words ‘Doctor Harisingh Gour Vishwavidyalaya and

25 of 2009.

Barkatullah Vishwavidyalaya in the State of Madhya Pradesh' shall be substituted; and

(ii) for the words 'same names of "Guru Ghasidas Vishwavidyalaya", "Doctor Harisingh Gour Vishwavidyalaya," ', the words 'same names of "Guru Ghasidas Vishwavidyalaya", "Doctor Harisingh Gour Vishwavidyalaya", "Barkatullah Vishwavidyalaya" ' shall be substituted;

(b) in sub-section (2),—

(i) for the word "and Hemvati," the words "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted; and

(ii) for the words "Sagar", the words "Sagar, Bhopal" shall be substituted;

(c) in sub-section (3),—

(i) for the words "and Hemvati", the words "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted; and

(ii) after the words "the State of Madhya Pradesh", the words "Bhopal, Sehore, Raisen and Vidisha districts of the State of Madhya Pradesh" shall be substituted.

**3. In section 4 of the principal Act,—**

Amendment  
of section 4.

(i) in clause (a),—

(a) for the words "or Hemvati", the words, "Barkatullah Vishwavidyalaya or Hemvati" shall be substituted; and

(b) for the words "and Hemvati", the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted;

(ii) in clause (b),—

(a) for the words "and Hemvati", the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted; and

(b) for the words "or Hemvati", the words, "Barkatullah Vishwavidyalaya or Hemvati" shall be substituted;

(iii) in clause (c), for the words "and Hemvati", at both the places where they occur, the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted;

(iv) in clause (d),—

(a) for the words "and Hemvati", at both the places where they occur, the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted; and

(b) in the third proviso, for the words "or Hemvati", at both the places where they occur, the words "Barkatullah Vishwavidyalaya or Hemvati", shall be substituted;

(v) in clause (e), for the words "and Doctor Harisingh Gour Vishwavidyalaya", the words "Doctor Harisingh Gour Vishwavidyalaya and Barkatullah Vishwavidyalaya" shall be substituted; and

(vi) in clause (f), for the words "and Hemvati" the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted.

**4. In section 28 of the principal Act, in the proviso to sub-section (2), for the words "and Hemvati", the words, "Barkatullah Vishwavidyalaya and Hemvati" shall be substituted.**

Amendment  
of section 28.

**5. In section 45 of the principal Act, in sub-section (1), for the words "and Doctor Harisingh Gour Vishwavidyalaya", the words "Doctor Harisingh Gour Vishwavidyalaya and Barkatullah Vishwavidyalaya" shall be substituted.**

Amendment  
of section 45.

## STATEMENT OF OBJECTS AND REASONS

Barkatullah University formerly known as Bhopal University was established in 1970. In 1988, it was rechristened as Barkatullah Vishwavidyalaya in the memory of great freedom fighter Prof. Barkatullah.

The university covers almost a full spectrum of higher education offering courses in faculties of Arts, Science, Social Sciences, , Life Science, Home Science, Medicine, Commerce, Business Management, Law, Engineering and Education.

The people of Bhopal have been demanding that the university may be upgraded as a Central University.

The Bill, therefore, seeks to achieve the above objective.

NEW DELHI;  
*December 23, 2014.*

ALOK SANJAR

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FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of Barkatullah University in the State of Madhya Pradesh as a body corporate by the same name of 'Barkatullah Vishwavidyalaya'. The expenditure, both recurring and non-recurring in respect of the University would be met out of the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred twenty crore will be involved per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL NO. 13 OF 2015

*A Bill to check unauthorised entry of foreign nationals into the country and for their deportation and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Prevention of Influx of Foreign Nationals into the Country Act, 2015. Short title and extent.

(2) It extends to the whole of India.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "dependent" includes wife and children of an unauthorised foreign national;

(b) "document" includes a valid passport, visa or a travel permit;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "unauthorised foreign national" means a person who has entered or sneaked into the country without a valid document.

Survey to identify unauthorized foreign nationals.

**3.** (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, after the commencement of this Act, undertake a survey to identify all unauthorised foreign nationals living in the country.

(2) The information so collected shall be made public forthwith through notification in the Official Gazette.

Deportation of unauthorized foreign nationals.

**4.** (1) The Central Government shall, soon after the survey is over, prepare a list of unauthorized foreign nationals in the country and prepare a phased programme for their deportation to the countries of their origin.

(2) No unauthorized foreign national shall be allowed to stay in the country on the ground of his long and continuous stay or his having acquired immovable property in the country.

(3) No educational facilities, financial assistance or such other assistance, as may be prescribed, shall be provided to an unauthorized foreign national in the country.

Punishment for giving shelter to unauthorized foreign nationals.

**5.** Whoever knowingly gives shelter to an unauthorized foreign national or conceals the identity of such person shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

Measures to prevent entry of unauthorized foreign nationals.

**6.** The Central Government shall take the following steps to prevent entry of unauthorized foreign nationals into the country:—

(a) proper fencing of the international borders and establishment of adequate number of check points, as may be required, along the international borders of the country; and

(b) putting in place a proper mechanism of monitoring the international borders including sea coasts.

Maintenance of National Register.

**7.** (1) The Central Government shall prepare and maintain a National Register containing names and such other particulars, as may be prescribed, of all the citizens who are usually residents of the country since 15th day of August, 1947 and descendants of such persons and citizens of the country as defined in the Citizenship Act, 1955.

57 of 1955.

(2) The Central Government shall, before the name of a citizen is entered in the register, ascertain the bonafides of that person or his parents.

(3) The names of unauthorized foreign nationals or their dependents or descendants shall not be entered in the register.

Identity cards to citizens.

**8.** Every citizen of the country shall be issued an identity card duly signed by the District Magistrate or any other Officer, of the Central Government or the State Government, as the case may be, who may be authorised in this behalf by the Central Government.

Deportation of persons overstaying in the country.

**9.** The Central Government shall take necessary steps to—

(a) detect and deport foreign nationals who came to India on the basis of valid documents but did not leave the country on the expiry of the time limit specified in their documents;

(b) publish list of foreign nationals who have over-stayed in the country; and

(c) trace such persons and deport them to the countries of their origin.

57 of 1955.

**10.** Notwithstanding anything contained in this Act or the Citizenship Act, 1955, the Central Government may, on an application made in the prescribed form, grant civil, political and citizenship rights to the nationals from Pakistan or Bangladesh who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation or intimidation.

Assistance to foreign nationals compelled to migrate to India.

31 of 1946.

**11.** The provisions of this Act shall be in addition to and not in derogation of the Foreigners Act, 1946 or any other law for the time being in force.

Application of other laws not barred.

**12. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

There has been a large scale influx of unauthorised foreign nationals into our country since 1947. The States of Assam and West Bengal are the worst affected by this unchecked influx of foreign nationals. This has put a heavy burden on the country which is already affected by over population. The presence of unauthorised foreign nationals in the country has also been a source of threat to the National security and integrity of the country.

It is necessary to detect all such unauthorised foreign nationals and deport them to the countries of their origin. There is also a need to maintain a National Register of all the citizens and to issue identity cards to them.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*December 23, 2014.*

RAMESH POKHRIYAL 'NISHANK'

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting survey of unauthorised foreign nationals in the country. Clause 4 provides for a phased programme of deportation of unauthorised foreign nationals to the countries of their origin. Clause 6 provides for measures to prevent entry of unauthorised foreign nationals. Clause 7 provides for maintenance of a National Register of citizens. Clause 8 provides for issuing of identity cards to all citizens of the country. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.



## BILL NO. 14 OF 2015

*A Bill to provide for a comprehensive policy for the development of the youth in the country.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Youth Welfare Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases the Union Government;

Short title,  
extent and  
commencement.

Definitions.

(b) 'youth' means a person who has attained the age of fifteen years but is not above the age of thirty-two years;

(c) 'youth organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste, creed or sex and the Constitution of which provides for its democratic functioning in respective States and Union territories, as the case may be; and

(d) 'prescribed' means prescribed by rules made under this Act.

Compulsory and free educational facilities.

**3.** The appropriate Government shall provide to every eligible youth,—

(a) compulsory and free education including technical education;

(b) materials like books, stationery and uniform free of cost;

(c) free hostel facilities;

(d) scholarships to meritorious students;

(e) free transport facilities;

(f) pocket allowance at the rate of rupees two hundred to rupees two hundred fifty per month according to the age of the youth, as may be prescribed;

(g) recreational facilities free of cost; and

(h) free access to all libraries and technical institutions.

Sports facilities to the youth.

**4.** The appropriate Government shall provide,—

(a) training in sports to every eligible youth and facilities for participation in sports activities both inside and outside the country;

(b) representation to youth organisations in sports associations; and

(c) such other facilities, as may be prescribed, for the welfare of youth, who represent the country in sports, throughout his lifetime.

Provision of nutritious meal in schools, etc.

**5.** The appropriate Government shall provide nutritious meals free of cost to all the students in schools, colleges, universities, hostels and technical institutions.

Medical and health care facilities to the youth.

**6.** The appropriate Government shall provide medical and health care facilities to the youth free of cost.

Appointment of Expert Committees.

**7. (1)** The appropriate Government shall appoint an Expert Committee consisting of such number of eminent educationists and psychologists, as may be prescribed, in every district.

(2) The Expert Committee shall recommend the type of education or training in a vocation to be imparted to a youth of the district after he or she passes the tenth class examination.

Training of the youth in trade and vocation.

**8.** The appropriate Government shall evolve a scheme under which every eligible youth shall be imparted training in modern apprenticeship trades and vocations.

Military training to the youth.

**9.** The Central Government shall provide military training to all the able-bodied youth and those who successfully complete the training shall be given preference in employment in defence services.

Provision of employment.

**10.** The appropriate Government shall provide—

(i) employment to the youth after completion of their education or training; or

(ii) unemployment allowance at such rate, as may be prescribed, till they are provided with gainful employment.

Central Government to provide adequate funds.

**11.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

**12.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for youth has been laid down in our country. The education should be the right of every youth and not a privilege of a few and employment should be guaranteed to them. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated gradually. The youth today is also facing serious health problems, absolute inadequacy in sports and cultural facilities. A considerable chunk of youth population is still reeling under poverty. A proper policy is required to be evolved for comprehensive development of the youth and proper utilization of their energies and education. A comprehensive youth policy for their all-round development is, therefore, absolutely necessary.

Hence this Bill.

NEW DELHI;  
*December 23, 2014.*

RAMESH POKHRIYAL 'NISHANK'

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free education and also supply of materials like books, stationery and uniform free of cost and pocket allowance to all the youth. It also provides for free hostel and transport facilities and scholarships to youth. Clause 4 provides for training and participation of youth in sports activities. Clause 5 provides for nutritious diet free of cost to all the students in schools, colleges, universities and hostels. Clause 6 provides for medical and health care facilities to all the youth. Clause 7 provides for appointment of an Expert Committee to recommend the type of education that is to be imparted to the youth. Clause 8 provides for formulation of a scheme under which the youth will be imparted training in modern apprenticeship trades and vocations. Clause 9 provides for military training to able-bodied youth by the Central Government. Clause 10 provides for employment to all the youth after completion of their education, training or vocation or unemployment allowance till they are provided with gainful employment. Clause 11 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union territories. The State Governments will incur the expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. An annual recurring expenditure of about rupees three hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 15 OF 2015

*A Bill to provide a scheme for eradication of unemployment from the country.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
extent.

**1.** (1) This Act may be called the Eradication of Unemployment Act, 2015.

(2) It extends to the whole of India.

Definitions.

**2.** In this Act, —

(a) "Government" means the Central Government; and

(b) "prescribed" means prescribed by rules made under this Act.

3. The Government shall endeavour to provide every citizen, who has attained the age of eighteen years and who is registered with Employment Exchange, with employment suitable to his age, qualification, skill and potential. Employment to citizens.
4. Till such time as employment is provided to a citizen under section 3, he shall be entitled to unemployment allowance at such rate commensurate with his qualifications and skills, as may be prescribed. Grant of unemployment allowance.
5. An Unemployment Insurance Scheme, with such features, as may be prescribed, shall be framed and implemented by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act. Unemployment Insurance Scheme.
6. Every citizen whose name is registered in the Employment Exchange shall be eligible to receive benefit of unemployment allowance under this Act subject to his furnishing an agreement to contribute to the Unemployment Insurance Scheme for a prescribed period immediately after securing employment at such rate, as may be prescribed. Contribution to Unemployment Insurance Scheme.
7. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.
- (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportions in our country. Even the educated citizens are living in indigent state. Their energy is not being utilized for nation building. Due to desperation and abject poverty, they are choosing the path of violence and crime. Lack of employment opportunities in the country is also leading to brain-drain and exodus of a large number of skilled and unskilled persons abroad. It is high time that concerted efforts be made by the Government to assure employment to the citizens of the country and to provide unemployment allowance to those who have not been able to secure employment. It is also necessary to formulate and implement an Unemployment Insurance Scheme for the purpose, so that the scheme may serve to finance the funds to provide relief to unemployed people.

Hence this Bill.

NEW DELHI;  
December 23, 2014.

RAMESH POKHRIYAL 'NISHANK'

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Government shall endeavour to provide employment to all eligible citizens who have attained the age of eighteen years or above. Clause 4 provides for unemployment allowance to unemployed citizens. Clause 5 provides for Unemployment Insurance Scheme to be formulated and implemented by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred fifty crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made would relate to matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself.

The delegation of legislative power is of a normal character.



## BILL NO. 32 OF 2015

*A Bill to provide for promotion of two child norm to control population in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Two Child Norm Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent,  
commencement,  
duration and  
savings.

(4) It shall remain in force for a period of fifteen years from the date of its commencement, but its expiry under the operation of this sub-section shall not affect,—

(a) the previous operation of, or anything duly done including any incentive given under this Act, or

(b) any penalty or punishment incurred under this Act,

and any investigation, proceeding or remedy in respect of any offence committed under this Act before its expiry may be instituted, continued or enforced after expiry of this Act and penalty or punishment may be imposed as if the Act had not expired.

Definition.

**2.** In this Act, unless the context otherwise requires, “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government.

Central Government to encourage small family norm.

**3.** (1) It shall be the duty of the Central Government to promote, encourage and motivate married couples to opt for small family norm with a view to control the rising population in the country.

(2) For the purpose of sub-section (1), the appropriate Government shall launch such schemes, as it may deem appropriate, to encourage, sensitise and motivate persons,—

(a) who have two or more than two living children, not to procreate any more living child; and

(b) who have less than two living children not to procreate more than two living children.

Incentives.

**4.** A married couple who has only one living child, and if either of them voluntarily undergoes sterilisation, shall be given the following incentives by the appropriate Government,—

(a) free education including higher education to such child;

(b) suitable employment to such child after he completes his education; and

(c) such other benefits as may be prescribed by rules made under this Act.

Undertaking by Government employees.

**5.** (1) Any person who is appointed to serve or is serving in connection with the affairs of the Union or in any undertaking or organization under the control of the Government and,—

(a) who has two or more than two living children shall give an undertaking that he shall not procreate any more living child after a period of one year from the commencement of this Act; and

(b) who has only one child or who has not procreated any child or who is unmarried on the date of commencement of this Act, shall give an undertaking that he shall not procreate more than two living children.

(2) Any person violating the provisions of sub-section (1) shall be subject to such disciplinary action, including termination of service, as may be determined by the appropriate Government.

Insertion of new section 8B in Act No. 43 of 1951.

**6.** After section 8A of the Representation of the People Act, 1951, the following section shall be inserted, namely:—

43 of 1951.

Disqualification on ground of not following small family norm.

“8B. (1) A person, having two or more than two living children, shall be disqualified if he procreates any more living child after a period of one year from the commencement of this Act.

(2) A person having only one child or who has not procreated any child or who is unmarried shall be disqualified if he procreates more than two living children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of this Act, procreates living child or children and thereby the number of living children of that person increases to more than two.”

**7.** The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Act to have overriding effect.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Rapid increase in population has given rise to a number of socio-economic problems like poverty, shortage of food, inadequate housing, unemployment and environmental degradation, etc. India is the second most populous country after China. China has been able to control the rapid growth in its population. But we have not been successful in it. Our population has crossed the figure of one hundred and twenty-one crore. If the present trend continues, it will not be possible for us to address our socio-economic problems which have arisen due to increase in population.

It is, therefore, imperative that certain effective steps are taken to check this menace because our resources are limited. Despite the existence of various birth control measures and various family planning programmes in force for many years to motivate the people to accept these birth control methods, the problem of population explosion still remains.

The Bill, therefore, seeks to provide for two child norm in a family and promote small family norms in future generation. There is also a provision that this Act shall remain in force for a period of fifteen years from the date of its commencement. The Bill also makes an amendment in the Representation of the People Act, 1951 with a view to provide that a person shall be disqualified for being chosen as or being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State if such person, after one year from the commencement of this Act, procreates more than two living children.

Hence this Bill.

NEW DELHI;  
December 23, 2014.

RAMESH POKHRIYAL 'NISHANK'

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain incentives like free education, employment, etc. to the children of such couples who adopt small family norm. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 132 OF 2014

*A Bill to provide for constitution of the Beedi Workers' Welfare Fund and also a Board to administer the Fund for welfare of beedi workers in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Beedi Workers Welfare Act, 2014.

(2) It extends to the whole of India.

Short title and  
extent.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "beedi worker" means any person engaged in making of beedi, tobacco, cigar or cigarette and involving any process of making of beedi, cigar or cigarette and includes a person engaged on contract or temporary basis;

(iii) "Fund" means Beedi Workers Welfare Fund constituted under section 3; and

(iv) "prescribed" means prescribed by rules made under the Act.

Beedi Workers Welfare Fund.

**3.** (1) The Central Government shall constitute a Fund to be known as the Beedi Workers Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the State Governments and owners of beedi factories in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board, consisting of—

(a) one Chairperson to be appointed by the Central Government;

(b) one representative of each State Government where beedi making is a major occupation;

(c) two representatives of beedi workers to be nominated in such manner as may be prescribed; and

(d) one representative of owners of beedi factories.

(4) The salary and allowances payable to, and other terms and conditions of the service of Chairperson and other members of the Board shall be such as may be prescribed.

Functions of the Board.

**4.** (1) The Board shall determine the purposes for which the Fund shall be utilized.

(2) Notwithstanding anything in sub-section (1), the Fund shall be utilized for the following purposes:—

(i) payment of old-age pension at the rate of rupees five thousand per month after the beedi worker has attained the age of sixty years and is unable to perform his job on account of infirmity or incapacity;

(ii) free healthcare facilities for the beedi worker and dependant family members at the designated Government and other hospitals;

(iii) free education facilities including supply of books, uniform, writing materials, transport to and from school to residence, hostel facilities for the children of beedi workers;

(iv) free insurance cover to beedi workers; and

(v) free housing facilities for beedi workers.

Workers to be assured minimum wage.

**5.** Every beedi worker shall be entitled to such assured minimum wage as may be fixed by the appropriate Government, irrespective of the number of beedis rolled by him.

Penalty.

**6.** If any employer does not comply with the provisions of sections 3 and 5, he shall be punished with a fine which may extend to rupees fifty thousand.

Central Government to provide adequate fund.

**7.** It shall be the duty of the Central Government to provide adequate fund to the Board for effective implementation of the provisions of the Act.

**8.** The provisions of this Act shall be in addition to and not in derogation of any other law providing for matters dealt with in this Act.

Act to be not  
in derogation  
of other laws.

**9.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make  
rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The beedi workers in the country are facing unbearable problems. Several lakhs of workers including women are engaged in beedi making in different parts of the country. These workers contract various types of diseases during the course of their employment but there is no proper facility for their treatment. They live in poverty. With no means to afford education, the wards of workers are forced by situation to join the same profession of beedi making where their parents have already spent their lives. Hundreds of workers die before attaining the age of sixty years because of diseases they contract during the course of their work. Moreover, there is no insurance cover available to them.

In old-age these beedi workers become feeble and left with option either to continue in beedi making or any other avocation for their survival. In view of above, it is necessary to provide social security and welfare measures to lakhs of beedi workers in the country.

Hence this Bill.

NEW DELHI;  
*November 3, 2014.*

SUNIL KUMAR SINGH

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Beedi Workers Welfare Fund for welfare of beedi workers. It further provides for constitution of a Board for administration of the Beedi Workers Welfare Fund. Clause 7 provides that the Central Government shall provide adequate Fund to the Board for effective implementation of the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It is estimated that a sum of rupees two hundred crore will be involved out of the Consolidated Fund of India per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



## BILL NO. 129 OF 2014

*A Bill to regulate the functioning of private schools and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Private Schools (Regulation) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date of commencement of this Act;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

Short title,  
extent and  
commence-  
ment.

Definitions.

(c) "Authority" means the Private Schools Education Authority constituted by the appropriate Government under section 3;

(d) "Prescribed" means prescribed by rules made under this Act; and

(e) "Private School" means an unaided school, whether recognized or not, which is not run by the appropriate Government, or its local authority or any other authority designated or sponsored by appropriate Government and includes a pre-primary, primary, middle, higher secondary and senior secondary school and also other institutions which impart education or training below the degree level but does not include an institute which imparts technical education.

Constitution  
of Private  
Schools  
Education  
Authority.

**3.** (1) With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Private Schools Education Authority to regulate within its territorial Jurisdiction, the functioning of private schools and conditions of service of teachers working in such schools.

(2) The Authority shall consist of,—

(a) a Chairperson to be appointed by the appropriate Government; and

(b) a maximum of twelve members to be appointed by the appropriate Government:

Provided that the number of members shall, in no case, be less than six.

(3) The Chairperson and other members referred to in sub-section (2) shall be chosen from amongst the persons who have special knowledge and at least twenty years of experience in the field of education.

(4) The term of office and conditions of service of the Chairperson and the other members shall be such as may be prescribed.

(5) The appropriate Government shall appoint such number of officers and staff to assist the Authority, as it considers necessary for its efficient functioning.

Functions of  
the Authority.

**4.** (1) It shall be the duty of every Authority to regulate the functioning of private schools and conditions of service of teachers, under its jurisdiction.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority may,—

(a) fix the student-teacher ratio for each standard;

(b) put a ceiling on the tuition fee and other charges, including payments in the form of sports fee, computer fee or any other fee of similar nature, which is charged by a private school for a particular class;

(c) fix the hours of duty for teachers;

(d) monitor the funds collected by the schools; and

(e) perform such other functions as may be prescribed.

Power to  
make  
regulations.

**5.** (1) The Authority, with the previous approval of the appropriate Government, may make regulations consistent with this Act for regulating the minimum qualifications for recruitment, and the conditions of service of teachers of the private schools.

(2) Subject to any regulation that may be made in this behalf, no teacher of a private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Authority.

Salary,  
allowances  
and other  
benefits to  
teachers.

**6.** The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of private schools shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government.

**7.** No private school shall charge a tuition fee or collect other charges or receive payments, in excess of the amounts specified by the Authority:

Fee and other charges.

Provided that every private school shall obtain prior approval of the Authority for charging tuition fee or collecting other charges or receiving payments, exceeding the amounts specified by the Authority.

**8.** If the appropriate Government, on receipt of a report from the Authority, is satisfied that the managing committee of any private school has neglected to perform any of the duties imposed on it by or under this Act or any rules or regulations made thereunder and that it is expedient in the interest of school education to close down such school, it may, after giving reasonable opportunity of being heard to the managing committee of the school, order closing down of such school for such period as it may consider appropriate:

Closing down of school.

Provided that if the school is a recognized private school, the appropriate Government may also withdraw its recognition.

**9.** The provisions of this Act shall be in addition to and not in derogation of any other law or rules made thereunder for the time being in force.

Act not in derogation of other laws.

**10.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this sub-section after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**11.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

## STATEMENT OF OBJECTS AND REASONS

Nowadays running an unaided private school has become a business. There are a number of unaided private schools throughout the country being run by a handful of persons. The main aim of these persons is to earn money rather than to impart quality education. These schools are charging hefty tuition fee besides other charges in the name of donations, building funds, computer fee, etc. These schools after availing the necessary tax concessions are not investing the funds collected by them for the development of the schools. The teachers in these schools are underpaid and are also not given service benefits like medical facilities, provident fund, etc. There are cases of arbitrary retrenchment and suspension of teachers. The management works in connivance with officials of education department. The women teachers are subjected to various kinds of harassment. Thus, education is not safe in the hands of such unscrupulous persons. Overcharging of fee on one hand and underpayment to teachers on the other hand is the *modus operandi* of these people. The tax laws are violated with impunity. Therefore, it has become necessary to set up an adequate mechanism to monitor, regulate and control the thriving education business not only to ensure that children get good quality education, but also to protect the parents from exploitation.

Hence this Bill.

NEW DELHI;  
November 3, 2014.

SUNIL KUMAR SINGH

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, establish Private Schools Education Authority to regulate the functioning of the unaided private schools. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure to the tune of rupees twelve lakh is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Authority to make regulations for regulating the minimum qualifications for recruitment and conditions of service of teachers of private schools.

Clause 11 empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative details and procedure and, as such, the delegation of legislative power is of a normal character.

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ANOOP MISHRA  
*Secretary General*